DOCUMENT RESUME

ED 370 121 CS 214 332

TITLE	Proceedings of the Conference of the American Journalism Historians Association (Lawrence, Kansas, October 1-3, 1992). Part I: Journalism History before the Twentieth Century.
INSTITUTION	American Journalism Historians' Association.
PUB DATE	Oct 92
NOTE	488p.; For Part II of this Proceedings, see CS 214 333.
PUB TYPE	Collected Works - Conference Proceedings (021) -- Historical Materials (060)
EDRS PRICE	MF02/PC20 Plus Postage.
DESCRIPTORS	Civil War (United States); Editors; *Journalism; *Journalism History; Legal Problems; Libel and Slander; Media Research; *United States History
IDENTIFIERS	Abolitionism; African Americans; Canada; Journalists; Massachusetts (Boston); Missouri; North Carolina; Penny Press; Texas

ABSTRACT

This proceedings contain 18 papers on American journalism history before the 20th century. Papers in the proceedings are: "Military and Press Discord during the Civil War: Foreshadowing of Future Disputes" (Maury M. Breecher); "The Missouri Press Association: A Study of the Beginning Motivations, 1867-1876" (Stephen A. Banning); "The Detroit Evening News: Nonpartisan, Reform Journalism in the 1870s: 1876-1877" (James Bow); "The Blood of Kansas and the New York Penny Press" (Gary L. Whitby); "Selected Texas Newspaper Editorials and Spanish-American War Sentiment" (Douglas Ferdon and John Tisdale); "A Visible Minority: Literary Journalism's Story-Telling and Symbolism Spurred the Anti-Chinese Movement by Tacoma Daily Newspapers in 1885" (Myron K. Jordan); "American Crime and Trial Pamphlets after the Penny Press" (James L. Aucoin); "For 'The Prosperity of the Denomination': Understanding the North Carolina Baptist Press, 1845-1861" (David A. Copeland); "The Stamp Act Press: The First True Mass Medium" (Julie Hedgepeth Williams); "Covering the Big Story: George Whitefield's First Preaching Tour, News Manipulation, and the Colonial Press" (David A. Copeland); "Latest from the Canadian Revolution: Early War Correspondence in the 'New York Herald' 1837-1838" (Ulf Jonas Bjork); "Abolitionist, Emigrationist, Feminist: Mary Ann Shadd Cary, First Female Editor of the Black Press" (Bernell E. Tripp); "James Bryce and the Promise of the American Press: 1888-1921" (James D. Startt); "Maria W. Stewart: An African-American Woman Journalist Who Raised a Fiery Voice in the Abolitionist Movement" (Rodger Streitmatter); "A Silence in Massachusetts: John Campbell and the Boston 'News-Letter'" (Wm. David Sloan); "American Newspaper Contempts before 1880" (Richard Scheidenhelm); "The Rise of the English-Jewish Press in America" (Barbara Reed); and "Congress and Journalistic Privilege: An Historical and Legal Perspective" (Robert L. Spellman). (RS)

ED 370 121

PROCEEDINGS OF THE 1992 CONFERENCE OF THE AMERICAN JOURNALISM HISTORIANS ASSOCIATION

(Lawrence, Kansas, October 1-3, 1992)

Part I: Journalism History before the Twentieth Century

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MILITARY AND PRESS DISCORD DURING THE CIVIL WAR: FORESHADOWING OF FUTURE DISPUTES

by

Maury M. Breecher M.P.H.

Ph.D. Candidate
University of Alabama
College of Communication
Tuscaloosa, AL 35487

For Presentation at the AJHA Annual Meeting, October 1-3.

Maury M. Breecher, M.P.H.
33 Bellwood
Northport, AL 35476
205-752-3705

ABSTRACT

MILITARY AND PRESS DISCORD DURING THE CIVIL WAR: FORESHADOWING OF FUTURE DISPUTES

The American Civil War marked the birth of government-versus-media antagonism that has resurfaced in all subsequent U.S. military conflicts, including the most recent Persian Gulf battles. The Civil War set enduring patterns for the ways the federal government, especially its military arm, would in the future attempt to restrict war reporting. The issues of limitations on the press during war and how these limitations are enforced are of just as much concern today as during the Civil War. These issues provide tension between the two fundamental beliefs—the importance of freedom of the press and the necessity for national security. This paper examines how the federal government attempted to regulate the flow of information to newspapers; identifies specific censorship laws, regulations, and other governmental actions designed to inhibit the free flow of news; and discusses how poorly those measures worked.

MILITARY AND PRESS DISCORD DURING THE CIVIL WAR: FORESHADOWING OF FUTURE DISPUTES

The American Civil War was the first time that U.S. military had to deal with the fact that events that occurred at dawn could circulate as a front-page story in a newspaper that evening. The years before the Civil War saw the development of the telegraph, a technology that enabled newspapers to reach a mass audience with timely news (Shaw, 1981). Yet rates were so high that newspapers used the new technology sparingly. At the beginning of the Civil War, reports by wire were so rare that when the Confederates fired on Fort Sumter on the morning of April 12, 1861, to impress readers newspaper reports later that day were headlined "By Telegraph."

The urgency of the war news soon forced newspapers to make extensive use of the new technology. This practice soon became a matter of vital interest to federal authorities. A prime concern of military officers throughout history has been that no useful information get to the enemy. How did the federal government and its military attempt to regulate the flow of telegraphic and other information to newspapers during the Civil War? What specifically were the censorship regulations? Who policed them? How well did they work?

As early as July 8, 1861, Winfield Scott, commander of the Army, had issued an order: "Henceforward the telegraph will convey no dispatches concerning the operations of the Army not permitted by the Commanding General" (Government Printing Office, 1882, Series 3, Vol. 1, p. 324). Within a few days, General Scott had made arrangements with various newspapermen, allowing them to send without censorship the "progress and results of all battles actually occurring." The reporters, in turn, agreed not to report anything having to do with troop movements, actual or predicted, or news of "mutinies or riots among the troops" (New York World; July 13 Cincinnati Daily Gazette, July 17, 1861). A Mr. Burns of the American Telegraph Office was to act as an informal censor to supervise the implementation of the short-lived agreement.

It was short-lived because General Scott did not fulfill his part of the bargain. On Sunday, July 21, the Confederates won the first Battle of Bull Run, which was fought near Manassas, Virginia. Early reports from correspondents had the Union winning the battle. When it became evident the fortunes of war had turned, General Scott instituted strict censorship of reports by wire. Not a word about the momentous defeat was carried in Monday morning newspapers outside of Washington D.C. In fact, in New York City, newspaper headlines boasted of a "glorious Union victory."

Since the defeated Union army retreated to the outskirts of Washington, D.C., the only newspapers with the correct story on Monday morning were those in the Capital city. When the magnitude of the defeat was finally learned by the rest of the country, a firestorm of criticism arose against the Union government. Northern newspapers berated the federal government both for the Bull Run disaster and for deceit in withholding news of the defeat. The New York Times wrote: "We desire it to be distinctly understood that we are not in the slightest degree responsible for what, if done deliberately by us, would be branded as a wanton and reckless trifling with the feelings of the public. It was an agent of the government--and not...the Times--who suppressed the facts (July 24, 1861).

Notwithstanding press criticism, the federal government attempted to go further. On August 7, 1861, Secretary of War Simon Cameron issued the following proclamation:

> All correspondence and communication, verbally, or by writing, printing, or telegraphing, respecting operations of the Army or military movements on land or water... are absolutely prohibited, and from and after the date of this order persons violating the same will be proceeded against under the Fifty-seventh Article of War. (Government Printing Office, 1882, Series 3, Vol. 1, p. 391)

How successful was Cameron's order in preventing the press from covering the Civil War?

Not very. Union newspapers made arrangements to forward news through special dispatches sent by couriers, trains, and telegraph whenever possible. The 57th Article of War was a high-explosive weapon the press did not think the government would use. Entitled "An Act for Establishing Rules and Articles for the Government of the Armies of the United States," the law, originally approved by Congress on April 10, 1806, stated that "holding correspondence with, or giving intelligence to, the enemy, either directly or indirectly, is made punishable by death or such other punishment as shall be ordered by the sentence of a court-martial" (Government Printing Office, 1882, Series 3, Vol. 1 p. 391).

B. S. Osbon, a New York Herald reporter, was threatened with that law in October of 1861, after he discovered that the Navy was preparing to send the largest war fleet the United States had ever assembled to blockade Port Royal Harbor, South Carolina. Osbon had no hard evidence that the ships were about to sail, so he bluffed Secretary of the Navy Gideon Welles by asking Welles for a letter to the commanding officer of the expedition that would allow the reporter to go along. Welles was astounded:

> "How did you know we are sending a fleet to Port Royal? Nobody but the President, Captain DuPont, General Sherman and myself know that."
>
> "And me," Osbon replied.
>
> "Who told you?" repeated Welles.
>
> "You did, Mr. Secretary, just now."
>
> Welles stared intently at the reporter. "Well," he said, "you are a good guesser, and you can go with the fleet. But you know what the violation of the Fifty-Ninth Article of War means. If you publish or say anything concerning our plans, you will be arrested and tried by court martial. (1) Under the regulations you can be shot." (Paine, 1906, pp. 133-134)

Osbon did refrain from writing about the fleet's departure and was rewarded by being allowed to sail with the squadron. However, other newspapers were less discreet. For example, the New York Times published an article that, without stating the expedition's objective, gave a detailed accounting of the number of ships and troops involved. Captain Samuel F. DuPont, leader of the expedition, wrote, "everyone is much disturbed here by the publication of the New York Times.... It...may add some four or five thousand lives to the list of casualties, but what does the Times care (Brown, 1951, p. 271).

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1. Either Welles or Osbon was confused, citing the Fifty-Ninth Article of War instead of the Fifty-Seventh Article of War that mandates court-martial, with a possible sentence of death for passing military information to the enemy directly or indirectly.

More often than not, Union reporters ignored the 57th Article of War and took their chances, covering the war as best they could. Later, General William T. Sherman was to test the power of that law by ordering the only court-martial of a reporter in U.S. history. Although he was successful in getting Thomas Knox, a New York Herald reporter, banished from his corps, officers manning the court-martial balked at hanging Knox (Breecher, 1992).

On October 22, 1861, Secretary of War William E. Seward tightened censorship even more by issuing a proclamation forbidding "all telegraphic dispatches from Washington, intended for publication which related to the civil or military operations of the government, with the exception of the dispatches of the regular agent of the associated press (sic)." (U.S. Congress, 1862, House Report 64, Judiciary committee, 37th Congress, 2nd Session, pp. 2-3)

Seward's action may have been in response to newspaper stories of "battlefield losses and inept generals" (Blanchard, 1992, p. 15). On October 21, Colonel Edward D. Baker, a former U.S. Senator and close friend of President Abraham Lincoln, crossed the Potomac River near Leesburg, Virginia with only 1,800 men. A battle resulted and his troops were trapped by the Confederates between some high ground known as Ball's Bluff and the river. The Confederates poured down a withering fire on the Union men. Little or no provision in the way of boats had been provided in case of retreat. Baker was struck by a bullet in the head and killed. His troops panicked and attempted to swim back across the river. The majority were shot, drowned, or captured (Coffin, 1925, pp. 56-57; Rice, 1888, pp. 171-173).

News of the disaster filtered through the censorship slowly. Reporters Charles Carleton Coffin of the Boston Journal and Henry M. Smith of the

Chicago Tribune went to General McClellan's Washington headquarters on October 22 to look for news. In the foyer outside the General's Office, they discovered President Lincoln waiting to see McClellan. The President, who knew both reporters, greeted them cordially and then was ushered into the general's office. Five minutes later Lincoln emerged with bowed head, obviously overcome with grief. As he stepped into the street, he stumbled and almost fell. The reporters rushed to aid him, but Lincoln recovered and continued on his way without acknowledging them or the salute of the sentry guarding the door. Moments later, General McClellan appeared.

"I have not much to give you," he told the reporters. "There has been a movement of troops across the Potomac at Edwards Ferry, under General Stone, and Colonel Baker is reported killed" (Coffin, 1925, p. 56-57).

Ed Stedman of the New York World rode 45 miles on horseback to the scene of the disaster, a wild ride that took all day. He spent a second day traveling another 40 miles, gathering details of the massacre, and then rode back to Washington on the third day. Although almost incapacitated by an attack of fever, he wrote what his fellow journalists considered the best account of the affair. His five-column report was published a week after the battle by the World on October 29, 1861. His paper boasted that "No account so full and so authentic has hitherto appeared in this or any other journal" (Coffin, 1925, p. 57).

The fact that few other reports on the battle appeared was because federal censors would not allow word of the disaster to be sent over the telegraph. Ainsworth Spofford, Washington correspondent for the Cincinnati Daily Commercial, wrote, "on account of the authorities...the public were left for days, in doubt whether the troops of the Union had met a defeat or a victory" (Andrews, 1955, p. 677-678).

The discontent resulted in an investigation by the House Judiciary Committee, headed by Representative John Hickman of Pennsylvania. Hickman, a member of the Radical wing of the Republican Party, wanted to embarrass the administration and spur it on to more aggressive action against the rebels. One of Hickman's targets was Secretary of State Seward, who had issued the order prohibiting telegraphic dispatches from Washington related to "civil" as well as "military" operations. To attack Seward and other conservatives in the administration, Hickman seized on the censorship issue and gave newsmen a forum from which they could officially complain against the censorship.

The Judiciary Committee report, which was published in March of 1862, found that Seward's orders, especially as they pertained to censoring information of a "civil" nature, went "far beyond the spirit of the resolution approved by the government and the press....It is difficult to understand why the civil operations of the government should be included" (U.S. Congress, 1862, p.3).

The committee then took aim at government censor H. E. Thayer. Thayer was asked if had held any office before becoming censor and whether he was even interested in political life. He answered forthrightly: "No sir, I never cared enough for politics to study them. I did not wish to be mixed up in them" (1862, p.5).

Testimony was gathered from various newsmen showing that the censor had killed many innocuous stories on "civil" matters, often stories that praised Radical congressmen. At the same time, arbitrary omissions occurred. A New York Herald reporter was allowed to wire portions of the President's annual 1861 message to Congress before Lincoln had a chance to deliver it. London Times correspondent William Howard Russell had been allowed to wire a New York friend a letter that hinted that the United States and Great Britain would not go to war over the American seizure of two Confederate emissaries who were aboard a British ship, the _Trent_. The telegram, sent during a time when there was supposed to be complete censorship of the affair, gave Russell a scoop. As a result of these and other incidents, the Judiciary Committee found:

> The gentleman selected to act as censor, while he doubtless is a very honest and upright man, seems to be wholly destitute of qualification necessary to fit him for the discharge of so delicate an office. His own testimony shows him to be a man of limited experience, with a very meager knowledge of public affairs and political questions, interests or principles. (U.S. Congress, 1862, House Report 64, Judiciary committee, 37th Congress, 2nd Session, p.5)

Another objective of the committee was to show that the censor was playing favorites. Indeed, the October order banning telegraphic dispatches exempted the articles of the "regular agent of the Associated Press" and stated that these dispatches could be used by newspapers. The AP representative, L.A. Gobright, was called upon to testify. He explained why he thought his dispatches were exempted from censorship, "My business is merely to communicate facts. My instructions do not allow me to make any comments upon the facts which I communicate.... My dispatches are merely dry matters of fact and detail" (U.S. Congress, 1862, p. 3).

The committee wanted to find out what effect a censorship was having that muzzled everything but "dry matters of fact." Samuel Wilkeson, correspondent of the _New York Tribune_ testified:

> I am not permitted to send anything over the wires which, in the estimation of the censor, the Secretary of State, or the Assistant Secretary of State, [that] shall be damaging to the character of the administration or any individual member of the cabinet, or that would be injurious to the reputation of tne officers charged with the prosecution of the war, and particularly those of the regular army. (U.S. Congress, 1862, House Report 64, Judiciary committee, 37th Congress, 2nd Session, p. 4)

B. Perley (cq) Poore, correspondent of the Boston Journal was asked: "Suppose you received information from a reliable source which clearly indicated the impossibility of trusting a command to General McClellan or any other officer in the army, would you try to transmit it by telegraph?"

He answered: "I would not have tried, because I understood that it was the request of the army it should not be embarrassed by any remarks of the telegraph" (p. 4).

Hickman continued to probe: "Did you understand you would be restrained from any criticism upon the general conduct or particular conduct of Army officers?"

"Yes, sir," replied the Boston Journal reporter. "I would think it useless to write anything of the kind" (p. 4).

He was then asked that if he had information that an officer, "by reason of intoxication, or for any other cause, was totally disqualified for his command, would you believe you could not transmit that by telegraph?"

Poore answered that he had reason to write an article with just such a theme and that it had been suppressed. The House Judiciary Committee was obviously dissatisfied with a censorship that muzzled everything but "dry matters of fact." The committee's report stated:

> The effect of the instructions given to the censor, when they are construed by the rule which guides the agent of the Associated Press in making up his dispatches, is to prohibit the transmission of dispatches containing comments and criticisms... "Dry matters of fact and detail", collected for transmission "to papers of all manner of politics," will seldom embrace anything which persons in high official position consider injurious to their interests. The rule, if carried to the full extent of its legitimate consequences, would develop a most inexorable censorship. It has already tended too far in that direction. (U.S. Congress, 1862, p. 3)

Rep. Hickman allowed newsman after newsman to insert in the record a listing of killed dispatches that praised prominent Radical congressmen or that criticized regular army leaders. The effect of the testimony was to build support for limiting Seward's censorship powers. Rather than having the power taken from him, and while the committee was still hearing testimony, Seward yielded control of the wires to the War Department, which was now under the leadership of the new Secretary of War, Edwin M. Stanton. (Cameron, his predecessor, had been shouldered aside by being appointed ambassador to Russia.)

The committee ended its hearing with the following resolution:

> Resolved: That the government should not interfere with the free transmission of intelligence by telegraph when the same will not aid the public enemy in his military or naval operations, or give him information concerning such operations on the part of this government except when it may become necessary for the government (under the authority of Congress) to assume exclusive use of the telegraph for its own legitimate purposes, or to assert the right of priority in the transmission of its own dispatches. (p. 14)

In fact, Congress had already passed, on January 31, 1862, legislation allowing the Executive branch to take control of the telegraph lines. Several weeks later the following orders were proclaimed by the War Department:

> Washington, D.C., February 25, 1862
>
> First. On and after the 26th day of February instant, the President, by virtue of the act of Congress, takes military possession of all the telegraphic lines in the United States.
>
> Second. All telegraphic communications in regard to military operations not expressly authorized by the War Department, the general commanding, or the general commanding armies in the field..., are absolutely forbidden.
>
> Third. All newspapers publishing military news, however obtained and by whatever medium received, not authorized by the official authority mentioned in the preceding paragraph, will be excluded thereafter from receiving information by telegraph or from transmitting their papers by railroad.

> Fourth. Edward S. Sanford is made military supervisor of telegraphic messages throughout the United States. Anson Stager is made supervisor military superintendent of all telegraphic lines and offices in the United States.
>
> Fifth. This possession and control of the telegraph lines is not intended to interfere in any respect with the ordinary affairs of the companies or with private business.
>
> Signed Edwin M. Stanton, Secretary of War.
> (U.S. Congress, 1862, p. 12)

A series of telegrams was then sent from the War Department to Army commanders and newspaper editors informing them of the new rules:

> From: WAR DEPARTMENT, Washington, D.C., February 25, 1862
> To: Major-General Dix, Baltimore, Md.:
> All newspaper editors and publishers have been forbidden to publish any intelligence received by telegraph or otherwise respecting military operations by he U.S. forces. Please see this night that this order is observed. If violated by any paper issued to-morrow, seize the whole edition, and give notice to this Department, that arrests may be ordered.
> Edwin M. Stanton
> Copies sent to chief of police, New York. All other cities of importance. (Government Printing Office, 1882, Series 3, Vol. 1. p. 899)

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> From: War Department, Washington, D.C., February 25, 1862
>
> To the Editor and Publisher of_____
>
> I am directed by the Secretary of War to say to you that the public safety requires all newspapers to abstain for the present from publishing intelligence in respect to military operations by the U.S. forces. This notice has been given to all newspapers.
> Signed: Edward S. Sanford, Military Supervisor of Telegraphs. (p. 899)

The government's new action was prompted by the fact that telegraphic censorship from Washington wasn't working well. Information suppressed in Washington could be and was dispatched by railroad and horseback to Baltimore or Philadelphia where it could be wired to New York. So the federal government extended its control of the telegraph over other cities. Press outrage over the February 25 order was so great that within a day of its publication it was modified to permit the publication of "past facts" providing that these facts didn't include information about the military forces of the United States "from which their number, position, or strength could be inferred" (Government Printing Office, 1882, Series 2, Vol. 2, p. 246 also Series 3, Vol. 1, p. 899). Authorities were extremely sensitive about such information since General George McClellan, who had replaced General Scott as the supreme commander of the Union Army, was just about to launch his ill-fated March Peninsula campaign.

At the beginning of the campaign, reporters accompanying the troops experienced the tightest censorship they had experienced since the beginning of the war. No only the telegraph, but also the postal service was blocked. All messages, even so-called private letters to editors, had to be inspected by military authorities. Again the press protested and by April 12 an order abolishing censorship from the Peninsula was issued on condition that reporters there agree to a "parole system." The parole system amounted to self-censorship. Each correspondent had to obtain a military pass with a 2-page document which he signed pledging not to send any information that would "give any aid or comfort to the enemy." Joel Cook, a reporter for the Philadelphia Press, in a book written after the war, stated that no reporter was ever called to account for anything written while the parole system was in effect (Cook, 1862. p. 10).

How well then did all these new regulations work? Not well at all, according to the following telegrams from General McClellan:

> From McClellan's Headquarters, May 21, 1862
> To: Hon. E. M. Stanton, Secretary of War:
>
> I find some of the newspapers frequently publish letters from their correspondents with this army, giving important information concerning our movements, positions of troops, &c., in positive violation of your orders. As it is impossible for me to ascertain with certainty who these anonymous writers are, I beg to suggest that another order be published holding the editors responsible for its infraction. George B. McClellan, Major-General, Commanding. (Government Printing Office, 1882, Series 1, Vol. 11, Part III, p. 194)

McClellan continued his complaints a few weeks later:

> From: McClellan's Headquarters, June 5, 1862.
> To Hon. E.M. Stanton, Secretary of War:
>
> My order of the 25th May, directing the order of march from the Chickahominy and the disposition to be made of trains and baggage, is published in full in the Baltimore American of the 2d instant. If any statement could afford more important information to the enemy I am unable to perceive it. (p. 214)

Other Union officers were also concerned about the reporting of military details by the press as shown by the following telegrams:

> Headquarters, Huntsville, August 17, 1862
> To: Colonel Swords, Louisville, Ky.
>
> The Journal of the 12th or 13th announces that Lieutenant Ernest is shipping supplies to Decherd. It is wrong in an officer to state these things and wrong in a paper to publish them. Inform them accordingly. Our depots should not be pointed out.
> Signed: James B. Fry, Chief of Staff.
> (Government Printing Office, 1882, Series 1, Vol. 16, Part II, p. 357)

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> Washington, D.C. Aug. 19, 1862
> Major-General Pope, Commanding &c.:
>
> You will immediately remove from your army all newspaper reporters, and you will permit no telegrams to be sent over the telegraph wires out of your command except those sent by yourself.... H. W. Halleck, General-In-Chief. (Government Printing Office, 1882, Series 1, Vol. 12, Part III, p. 602)

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Washington, D.C. August 20, 1862
Major-General Pope:

I think your staff is decidedly leaky. The substance of my telegrams to you is immediately telegraphed back here to the press. Several of these telegrams have been intercepted. Clean out all such characters from your headquarters. It is useless to attempt any sending of orders if you permit them to be made public as soon as you receive them.

H.W. Halleck, General-in Chief. (p. 602)

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Headquarters, Department of the Ohio
Cincinnati, Sept. 13, 1862

It having come to the knowledge of the major-general commanding the department that articles of a seditious and treasonable character, also statement of facts conveying information of military movements position, &c. to the enemy, having been published in some of the papers of the city, notice is hereby given that no such articles will be permitted hereafter; but that the repetition of such offense will necessarily be immediately followed by the suppression of the paper in which such article shall be published and the arrest and confinement of the proprietors and writers concerned in the same. The press is also requested to exercise great caution in the publication of any articles calculated unnecessarily to disturb the public mind.

N.H. McLean, Assistant Adjutant-General and Chief of Staff
Sent to editors of the Gazette, Commercial, Enquirer, Times, Volksfreund, and Volksblatt. (Government Printing Office, 1882, Series 1, Vol. 16, Part II, p. 514)

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Headquarters of Virginia
Fort Monroe, Va., February 28, 1863

Capt. W.E. Blake, Provost-Marshal:
Captain: You will on receipt of this send Mr. Newbould, the correspondent of the New York Times out of the department. He has more than once misrepresented the condition of things here. I had last evening a dispatch from Major-General Peck informing me that one of Mr. Newbould's statements in regard to matters in his command was untrue. Representations in regard to a department in contact with the enemy should not only be prudent, but true; and Mr. Newbould in his zeal for the press with which he is connected has not taken pains to ascertain the truth of his statements, rendering corrections necessary, or creating uneasiness which no correction is in time to repair. He is obviously a sensationalist and this is no place for him.

John A. Dix, Major-General. (Government Printing Office, 1882, Series 1, Vol. 18, Part II, p. 545)

It was no small matter for a general to ban a reporter. By its writing, the press had been known to harm the careers of several ambitious army officers. However, perhaps General Dix was emboldened by the action of General William T. Sherman. Earlier that month, Sherman had started court-martial proceedings against New York Herald reporter Thomas Knox. It was the only time a journalist has ever been court-martialed by the U.S. military. This attempt to legally prohibit reporters from the battlefield can be seen as a forerunner of the severe restrictions put on journalists during the 1991 Persian Gulf conflict (Breecher, 1992).

Knox had written an inaccurate and slanted account of the battle of Chickasaw Bayou, which occurred December 26-27, 1862. In his account, headlined "Disaster at Vicksburg," Knox accused Sherman of "insanity and inefficiency" (New York Herald, January 18, 1863). Knox's article was Civil War journalism at its worst. It was an insufficient, partially made-up, partisan, irresponsible account, and—to make matters worse—inadequate as it was, according to Sherman, it did contain information that would be useful to the enemy.

Sherman based his court-martial order on the 57th Article of War, so Knox was at risk of being hanged although that wasn't Sherman's intention. Writing his friend, Admiral David D. Porter on February 4, 1863 slightly before the court-martial began, the red-haired general stated, "I am going to have the correspondent of the New York Herald tried by a court-martial as a spy, not because I want the fellow shot, but because I want to establish the principle that such people cannot attend our armies, in violation of orders, and defy us..." (Government Printing Office, 1882, Series 1, Vol. 17, Part II, p. 889).

T.A. Post of the New York Tribune wrote his managing editor, Sydney Howard Gay, "the worst phase of the matter is the precedent which the conviction of Knox would establish. If convicted, then the whole Northern press is gagged.... No one can send intelligence of matters connected with the army and especially no one can criticize the conduct of Generals in the field without subjecting himself to a similar charge" (Starr, 1954 pp. 178-179; Marszalek, 1981).(2)

After 2 weeks of testimony, Knox was acquitted of all serious charges against him but was found guilty of disobeying Army orders not to accompany the troops. His punishment: banishment from Sherman's Army.

Sherman wasn't totally happy with the verdict because the tribunal had found Knox guilty using the following wording: "The court finds the facts proven, but attaches no criminality thereto" (Government Printing Office, 1882, Series 1, Vol. 17, Part II, pp. 889-892). Four days after the verdict, General Sherman wrote one of the officers on the court to express his belief that the ruling left the inference "that a commanding officer has no right to prohibit citizens from accompanying a military expedition, or, if he does, such citizens incur no criminality by disregarding such command" (p. 892-893).

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2. Starr does not cite his source nor the date of the letter. However, Marszalek, making the same point about the possible precedent, cites the Post letter as being dated February 6, 1863 and as being located in the Sydney Howard Gay Papers held by Butler Library, Columbia University.

History reveals that Knox never again covered the war. Although Sherman and other army commanders now had a big stick to hold over reporters, it was an action taken a few months later by General Joseph Hooker that was to have a more positive effect on the accuracy of war reporting.

Like many generals, Hooker had run-ins with the press. One that particularly irked him involved an article in the Washington Chronicle that contained information about the size and organization of the Army of the Potomac. Hooker wrote, "The chief of my secret service department would have willingly paid $1,000 for such information in regard to the enemy at the commencement of his operations, and even now would give that sum to verify the statements which he has been at great labor and trouble to collect and systemize" (Government Printing Office, 1882, Vol. 25, Part II, p. 239).

To prevent such leaks in the future, Hooker devised an ingenious solution. At that time, it was the custom for reports by correspondents to be either unbylined or by-lined only with a pseudonym. Correctly reasoning that reporters would be more careful about the implications of what they wrote if their names appeared on their story, Hooker issued a new regulation, General Order No. 48, which required reporters to sign their names to published work or be expelled from Army lines. General Hooker explained that "the frequent transmission of false intelligence, and the betrayal of the movements of the army to the enemy, by the publication of injudicious correspondence of an anonymous character" caused him to issue the order (pp. 300-301). Later, Hooker had a telegraph sent to the L.A. Gobright, the AP's Washington correspondent:

> Please have the following dispatch telegraphed confidentially to the editors throughout the country:

> Gentlemen: I...request that the following rules may be observed in publishing anything concerning this army or is movements:
>
> 1. Under no circumstances should be published the location of any corps, division, brigade, or regiment, and especially is the location of my headquarters never to be named excepting during a fight.
>
> 2. That official reports, when furnished without the sanction of the War Department, may never be published.
>
> After any fight the reporters can open their fire as loudly as they please, but avoid, unless it is a general battle, giving the designations of forces engaged. *Require all reporters' signatures to their published letters.* [Italics added] These rules being observed, every facility possible will be given to reporters and newspapers in this army, including the license to abuse or criticize me to their hearts' content.
>
> Joseph Hooker, Major General. (Government Printing Office, 1882, Series 1, Vol. 22, Part III, p. 192)

The order proved to be a watershed for American journalism. Up to then, Northern and Southern editors insisted on the complete anonymity of their correspondents. After General Hooker's orders, military reporters for Union newspapers had to stand behind their reports by identifying themselves. The result: Many of these reporters won national reputations.

The practice of having by-lined articles may indeed have contributed to an improvement in war reporting. The Chicago *Tribune*, in a self-congratulatory editorial printed in 1864 stated, "One thing is to be noticed as the war progresses. The judgment of our reporters not only becomes better, but their candor improves also. It is much more common now to find our own losses fairly stated than in the early days of the war, as well as those of the enemy" (Chicago *Daily Tribune*, July 12, 1864).

Not every Civil War expert agreed. Henry Villard, one of the better of the era's reporters, later wrote that as the war progressed, "certain shortcomings became... more glaring—incompleteness of information, inaccuracy of statement, and a resort to fiction to heighten the dramatic interest of the narrative..., sheer stuff of the most worthless and ridiculous description" (Army Correspondence: Its History," The Nation, July 27, 1865, p. 115).

Villard went on to pour scorn on the "indifference" of newspaper correspondents as to the military implications of their news. "The harm certain to be done by war correspondents far outweighs any good they can possibly do," continued Villard. "If I were a commanding general I would not tolerate any of the tribe within my army lines" (Villard, 1904, p. 209).

It is true that Union Civil War newspapers frequently contained information useful to the enemy. In an article that for years was considered the leading authority on press freedom during the Civil War, historian James G. Randall (1918) maintained that Northern newspapers harmed the Union war effort by repeatedly revealing military information.

Undoubtedly, the federal government certainly had reason to institute censorship on military matters. However, the application of that censorship was often arbitrary and erratic. At the beginning of the war, novice censors often killed entire articles to squash one fact. Later, censors learned to scissor or hack out sections they thought provided military information. Too often, the correspondent's mangled writing would then be send on to his newspaper without giving the reporter an opportunity to rewrite. So, although the censorship was at times extremely effective in blocking the transmission of information, the way censorship was administered and applied often angered reporters, goading them to find ways to circumvent it.

The military responded by initiating new ways to banish reporters from army lines, but usually only exercised that power when it was felt that a reporter had printed material beneficial to the enemy. By the end of the Civil War, the military learned to tolerate the press. Even some of the most anti-press generals realized that news reporters would be with the military in future wars. For instance, General William T. Sherman, at the end of the original edition of his Memoirs, wrote, "so greedy are the people at large for war news, that it is doubtful whether any army commander can exclude all reporters, without bringing down on himself such a clamor that may imperil his own safety. Time and moderation must bring a just solution to this modern difficulty" (Sherman, 1876, p. 409)

The Persian Gulf conflict and the invasions of Granada and Panama in contemporary times indicate that the tension between the military and the press continues. As media and military personnel maneuvered to outwit each other, they were actually modeling behavior first manifested during the Civil War.

(30)

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THE MISSOURI PRESS ASSOCIATION: A STUDY OF THE BEGINNING MOTIVATIONS, 1867-1876

by

Stephen A. Banning
University of Missouri-Columbia

THE MISSOURI PRESS ASSOCIATION: A STUDY OF THE BEGINNING MOTIVATIONS, 1867 - 1876

by

INTRODUCTION

The Editors and Publishers Association of Missouri, now known as the Missouri Press Association (hereafter MPA), was one of the first press associations in America. Beginning in 1867, it came at a time when professionalism was beginning in many fields,[1] and journalism was no different.[2] It was also a time of associations, and organizations, as noted by Alexis de Tocqueville who had published Democracy in America.[3]

Given the historical context, it is reasonable to suspect that this clamor for professionalism was one of the motivating factors in the formation of the MPA. However, no research so far has explicitly described why the MPA formed. William Howard Taft wrote in Missouri Newspapers that the motivating factors "substantial benefits to the press of the states it was formed because of the belief that it would result in the "substantial benefits to the press of the state".[4]

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[1] Howard M. Vollmer and Donald L. Mills, Professionalization, (Englewood Cliffs: Prentice-Hall, Inc., 1966), p. 3.

[2] Jean Folkerts and Dwight L. Teeter, Voices of a Nation, (New York: MacMillan Publishing Company, 1989), p. 283.

[3] Richard Taub, American Society in Tocqueville's Time and Today, (Chicago: Rand McNally College Pub. Company, 1974), p. 90.

Taft wrote that the motivation of a regional Missouri press association, the predecessor of the MPA, was "their desire to increase income."[5] Whether this was the primary motivation for the formation of the MPA has not been answered. The question to be addressed here is: How did professional factors between 1867 to 1876 play a role in the formation of the Missouri Press Association?

This leads to the first hypothesis.

Ho 1: One of the motivating influences for the formation of the Missouri Press Association was a desire by Missouri journalists to be considered a credible profession.

The operational definition of the word "profession" used here will not be the standard dictionary definition, "An occupation or vocation requiring training in the liberal arts or the sciences and advanced study in a specialized field.[6] Rather, the definition will include the sociological aspect of the word "profession". The definition, then, for "profession" is a vocation requiring specialized training which is socially responsible and devoted to good works.[7]

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[4] William H. Taft, Missouri Newspapers, (Columbia: University of Missouri Press, 1964), p. 122.

[5] Ibid.

[6] William Morris, The American Heritage Dictionary of the English Language, (New York: American heritage Publishing Co., Inc., 1975), p. 1044.

Still another aspect of the historical context of the press factors into the formation of the MPA in 1867. Newspapers in the 1860's were struggling with advertising ethics.[8] Michael Schudson in Discovering the News wrote that mass circulation in the 1830's resulted in the increased use of advertising, including advertising that often resulted in public indignation[9]. Advertising income had increased from $1,354,000 in 1863, to $9,609,000 in 1867.[10] At the time the MPA started, advertising occupied about twenty-five percent of the newspaper content.[11] The most common were advertisements by snake oil salesmen hawking patent medicines, which often did more harm than good.[12] This kind of advertising began to grow even more after 1864, when the federal government established the postal money order system.[13] Given this historical context, another hypothesis can be made.

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[7] Vollmer, Professionalization, p. 17.

[8] Michael Schudson, Discovering the News, (New York: Basic Books, Inc., 1978), p. 19.

[9] Albert Chung Lee, The Daily Newspaper in America, (New York: Octagon Books, 1973), p. 314.

[10] Ibid., p. 322.

[11] Lee, The Daily Newspaper in America, p.324.

[12] Schudson, Discovering the News, p. 19.

[13] Lee, The Daily Newspaper in America, p. 326.

Ho 2: One of the motivations for the formation of the MPA was the desire by Missouri publishers to deal with false advertising claims made by patent medicine men.

There was also another major problem regarding the "social factor" of the desire for advertising credibility. This concerned paid editorials, or paid "puffs" as they were called. These were editorials which were paid for by an independent advertiser.[14] This leads to a hypothesis similar the preceding one.

Ho 3: One of the motivations for the formation of the MPA was the desire by Missouri publishers to deal with the credibility gap created by the use of paid editorials.

The primary source will be the MPA minutes for the first ten years of the organization's existence. In 1876, one of the MPA members, J.W. Barrett, was commissioned to print three hundred copies of the verbatim minutes for the individual members. The publication of the verbatim copy of the minutes was called The History and Transactions of the Editors and Publishers' Association of Missouri, 1867---1876. Only one copy of this "in house" publication exists. It originally belonged to founding MPA member W.F. Switzler and is currently a part of the MPA archives in Columbia, Missouri.

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[14] Ibid., p. 321.

The Motivating Concern of Professionalism

The one thread which runs through the first ten years of MPA minutes is the Missouri journalist's strong desire to be, and be considered, "professionals". One could say they were simply a product of their time. Other organizations were striving toward this goal as well. However, as these minutes indicate, the zeal of the Missouri journalists is surprising. Even at this early date they discussed the need for journalistic education.

Aspects of professionalism are very evident from the first year of the MPA on. For instance, in an era before pension funds, the charter makes provision for widows and orphans of former MPA members.[15] This fits in exactly with the sociological definition of a "profession" which involves doing good deeds.[16]

The use of the word "profession" does not appear in the MPA minutes until 1869. At that time an editor by the name of Norman J. Coleman gave a detailed description of what he felt journalism needed to be a true profession. In the first paragraph Coleman uses the "profession" or "professional" six times.[17] It is here the discussion of a journalism school is first mentioned.

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[15] Barrett, The History and Transactions of the Editors' and Publishers' Association of Missouri, 1867---1876, (Canton: Canton Press Print, 1876), p. 3.

[16] Vollmer, Professionalization, p. 24.

> But any particular training, or course of study,or lectures, or schools, or colleges, to prepare young men for the most important of all professions--the Editorial--have never been heard of. That institutions of this kind could be established, and would be attended with the most beneficial results, can scarcely be doubted.[18]

Coleman goes on to expound on his opinion that the journalistic profession should require training, just as doctors, lawyers, and ministers, are trained.[19] Coleman also makes it clear that a desire for professionalism was a motivating factor in the formation of the MPA.

> Doubtless one of the leading objects had in view in the organization of this Association, was to bring the members of the Press of this State into a closer and more intimate relationship with one another, that those social and professional courtesies might be cultivated that should always exist among the members of an honorable profession.[20]

The next reference specifically to professionalism occurred in 1873 in a speech by John S. Marmaduke of the St. Louis Journal of Agriculture. Marmaduke talks about the "origin of the profession" and gives a brief (several pages) history of journalism. He wraps up the speech by discussing the mission of journalism, and ends with a poem.

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[17] Taft, Missouri Newspapers, p. 21.
[18] Ibid., p. 21.
[19] Ibid., p. 22.
[20] Ibid., p. 22.

> Mightiest of the mighty means,
> On which the arm of progress leans;
> Man's noblest mission to advance,
> His Woes assuage, his weal enhance,
> His rights enforce, his wrongs redress--
> Mightiest of the mighty is the press.[21]

In 1875 Lexington Register publisher Mark DeMotte also spoke about the "profession."[22] DeMotte launches into a description of how the profession operates, and a polemic of how he feels it should operate. Among the topics covered are the profession's obligations, including responsible advertising.[23]

Columbia Statesman publisher W.F. Switzler was the next to talk about the journalistic profession. Switzler makes some prefatory remarks about the "editorial profession" before launching into a discussion about the mission of journalism.[24] This is even more significant when one considers that Switzler was one of those responsible for starting the MPA.[25]

The Motivating Concern of the Patent Medicine Problem

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[21] Ibid., p. 74.
[22] Ibid., p. 93.
[23] Ibid., p. 104.
[24] Ibid., p. 124.
[25] Taft, Missouri Newspapers, p. 123.

The MPA minutes from 1867-1876 are full of references to the patent medicine advertising problem. It's not hard to see why it was on the minds of Missouri editors. Several newspapers in the United States at about this period of time began policies of refusing to carry advertisements for patent medicines.[26] These included such pace setters as the New York Herald, and the New York Daily Times. However, other newspapers were just as resolute in announcing policies of accepting any advertising.[27] The numerous references to advertising credibility, and patent medicine advertising, in the MPA minutes clearly indicate it was one of the motivating factors in the formation of the Association.

The tone of the response to medicine men is very important as well. Many publishers at this time praised this kind of advertising. however, the MPA response is critical, and socially responsible. The references in the minutes look beyond the monetary factors to societal implications. The socially responsible response is what one would expect from a group of people interested in doing good works. This is important because sociologists sometimes distinguish trades from professions by the group's interest in helping society, as opposed to merely making a living.[28]

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[26] Ibid., p. 320-321.
[27] Ibid., p. 320.
[28] Vollmer, Professionalization, p. 17.

The first reference in the MPA minutes to the need for advertising credibility is in the organization's charter.

> Resolved, that we recognize the value and advantage of responsible advertising agents, and take pleasure in recommending Messrs. J.S. Williams, B.D.M. Eaton and N.M Sheffeld to the public confidence.[29]

This passage shows that the founders of the MPA were concerned enough about advertising credibility that they not only expressed it in their charter, they even recommended three advertising agents they considered worthy of confidence.

The patent medicine trade is not mentioned specifically in the MPA minutes until 1871. Snake oil salesmen had become more prominent than ever. In 1869 one charlatan had succeeded in selling 3 million bottles of a useless concoction.[30] The reference in the MPA minutes came in the form of a poem which makes reference to a particular doctor, stating that "drugs and pills" are his "field of clover". The poet sarcastically adds that, when the doctor dies, his "pill-grimage" will be over.[31] This is relatively mild treatment, compared with later references.

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[29] J.W. Barrett, History and Transactions of the Editors' and Publishers' Association of Missouri, 1867---1876, p. 5.

[30] Lee, The Daily Newspaper in America, p. 327.

[31] Barrett, History and Transactions of the Editors and Publishers Association of Missouri, p. 52.

The next reference to medicine men, in 1874, is much stronger. Boonville Eagle editor Milo Blair warns his fellow publishers, "Beware of quack doctors, patent medicine dealers, lottery schemes, and bogus advertising agents." But the full effect of moral rectitude is somewhat diluted when Milo adds, "If you do deal with them, always exact payment in advance".[32] This is an indication that the MPA, while not suggesting an outright ban on patent medicine advertising, did frown on it. This sentiment was to deepen over the next year.

In 1875 Lexington Register publisher Mark DeMotte attacked the medicine men with full force. DeMotte stated in black and white terms the way in which false advertising should be viewed by publishers. DeMotte stated, "I see no difference between swindling a man by means of an advertisement and by any other means".[33] DeMotte then goes on to recognize the difficulties involved with the issue, without conceding his position against patent medicines.

> While we are not required to make a chemical analysis of every patent medicine--try every sewing machine, churn, washing machine or reaper which is advertised in our columns, or to investigate the pecuniary condition of every insurance company, railroad or other corporation which hires our space, yet we are required to act according to the knowledge we have in the premises. We must not insert everything offered, even though accompanied by

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[32] Ibid., p. 84.
[33] Ibid., p. 102.

x

> cash at full rates. If we knowingly allow...our patrons...(to be) deceived and plundered, we are as culpable as if we personally plotted and laid snares.[34]

The public debate regarding patent medicines would rage for decades, but after DeMotte's speech there are no other references to medicine men in the MPA minutes. Perhaps the motivating concern of how to deal with patent medicine men had been adequately dealt with through DeMotte's speech, but it is more likely that no one dared add an opposing opinion after hearing his invective.

The Motivating Concern of "Paid" Puffs

It is clear the Missouri Press Association had a second motivating concern touching on the subject of advertising and credibility. This concern regarded paid editorializing. Frequently companies would pay a publisher to run an editorial that endorsed their product, and was, in effect, an advertisement. This questionable practice is a repeated theme in the MPA minutes throughout the first ten years of the organization's existence.

The MPA was not alone in their concerns regarding paid editorials. It was a national problem known as "puffery". Bennet's Herald had created a policy refusing to engage in puffery in 1848. However, it continued to be a national problem. In 1886 Bell Telephone admitted to spending over $1,000 for paid editorials. Eventually (during the next century) puffery would become such a problem, it would fall under federal legislation.[35]

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[34] Ibid., p. 102-103.

The MPA was historically, and literally, in the middle of the puffery issue. It is clear from references in the minutes that it was a great concern.

While there are earlier references to the importance of the concept of "truthfulness"[36] and "accuracy"[37] in the MPA minutes, the first specific reference to the puffery issue occurs in 1870.[38] It comes in the form of a poem by Missouri Democrat publisher P.G. Ferguson.

> But the proud journalist may not defile
> With filthy lucre his thrice hallowed pen,
> Else he becomes the vilest of the vile,
> The hissing scorn of honorable men.
> 'Our old friend Snooks we cheerfully endorse.'
> Snooks is a thief as everybody knows,
> But then he's rich, and roundly pays, of course,
> For every drop of ink that flows.
> "But," says the editor, "this is not mine.
> The people understand it is a puff,
> Paid for in cash, for just so much per line;
> I'm not responsible for all this stuff."[39]

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[35] Lee, The Daily Newspaper in America, p. 320.

[36] Barrett, History and Transactions of the Editors and Publishers Association of Missouri, p. 13.

[37] Ibid., p. 15.

[38] Ibid., p. 58.

[39] Ibid., p. 58, 59.

Ferguson goes on to equate accepting puffery money with prostituting one's wife. While puffery continued to be a problem, it certainly wasn't due to ambivalence on Ferguson's part. It is also interesting to note that the prostitution analogy will crop up again later in the MPA minutes, in another discussion of puffery.

The next reference to puffery comes in 1874 in a speech delivered by Boonville Eagle editor Milo Blair. Blair advises his colleagues to try to be as accurate as possible when writing editorials. While not as strong in his condemnation of puffery as P.G. Ferguson, Blair also sees it as a problem.

> Always try to give them (the editorials) a high and independent tone, so that if defense be necessary, you can manfully uphold them. I am satisfied that the custom of wholesale puffing, as generally practiced by the press, is doing journalism no little injury...we hardly know where to look for true merit.[40]

The next reference in the MPA minutes to puffery is not expressed in cordial terms. It comes in 1875 in a speech by Lexington Register publisher Mark DeMotte who likens paid editorials to prostitution.

> I believe I express the opinion of every practical newspaper man in this house, when I say that to print paid personal puffs, as our own editorial or local opinion, is a prostitution of our paper wholly inexcusable;

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[40] Ibid., p. 85.

> and if indulged in to any great extent, will bring the just contempt of the public upon us.[41]

DeMotte then echoes a sentiment expressed by a colleague with the Press Association of Kentucky who stated, "We have space to sell, not opinions."[42] In the same speech DeMotte repeats his puffery advice, but narrows the focus to deal specifically with politicians.

> If he wants our brains to fill that space, we fill it for him, just as we would write an advertisement for a manufacturer or merchant when so requested, but it must appear as an advertisement paid for by him and not as our judgement and opinion. Our readers have a right to know whether what we say of the fitness of a man for party nomination is our own belief or the drivel of a hired brain.[43]

This view on political puffery eventually became a bylaw of the MPA. In 1876 the MPA drew up a resolution on the issue, which stated, "...all political announcements made by order of any candidate for political honors shall be regarded by all members of this Association as advertising matter and charged for the same as any other advertisements."[44]

All these references point to a strong interest, if not agreement, on the issue of advertising credibility. This, in turn, indicates that one of the motivating factors in the

[41] Ibid., p. 102.
[42] Ibid.
[43] Ibid., p. 104.
[44] Ibid., p. 116.

formation of the MPA was to attempt to resolve this difficult issue.

It is interesting to note that while there was great interest in not prostituting themselves through "puffed" ads, the MPA was not as fussy when in came to accepting favors from companies that had an interest in their goodwill. This applies specifically to the railroad companies who provided free transportation to the MPA editors and their families both to the conventions and for the convention excursions. The MPA members did not even hide the fact that these "free" trips obligated them to the railroad companies. During the seventh annual MPA meeting in 1873 a brief reference is made, acknowledging the help of the railroad companies for "courtesies extended."[45] The nature of the courtesies becomes clearer in a later reference. In 1876 the MPA members actually made a resolution expressing appreciation for the free service the railroad companies were extending. They apparently had no qualms about being railroaded.

> Resolved, That the Hannibal & St. Joseph, Atchison, Topeka & Santa Fe, Denver & Rio Grande and Kansas Pacific Railroad companies have placed us under lasting obligations for putting at our disposal the free use of trains on their several roads for an excursion to Denver City and return.[46]

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[45] Ibid., p. 65.
[46] Ibid., p. 116, 117.

While there is no doubt the MPA was concerned about ethical issues, accepting free rides did not phase them. From the open way the free rides are discussed, it seems likely accepting gifts was not considered an ethical problem at the time.

Conclusions

A number of conclusions can be drawn from the preceding research. The most interesting is the discovery of one clear motivating factor for the formation of the MPA: professionalism. The fact that the minutes quote a speaker who actually states that one object in the organization's formation was the promotion of journalism as an honorable profession.[47] This confirms Ho 1: One of the motivating influences for the formation of the Missouri Press Associating was a desire by Missouri journalists to be considered a profession.

The second interesting finding is an expressed link between professionalism and the need to be ethical in advertising.[48]

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[47] J.W. Barrett, The History and Transactions of the Editors and Publishers' Association of Missouri, 1867---1876, (Canton: Canton Press Print, 1876), p. 22.

[48] Ibid., p. 104.

This would explain why advertising considerations were so frequently discussed in the minutes. The organization was formed to promote professionalism, and professionalism demanded ethical advertising. The desire for professionalism spawned an interest in ethical issues. This supports Ho 2: One of the motivations for the formation of the MPA was the desire by Missouri publishers to deal with false advertising claims made by patent medicine men. It also supports Ho 3: One of the motivations for the formation of the MPA was the desire by Missouri publishers to deal with the credibility gap created by the use of paid editorials. Both hypothesis one and two can stand on the weight of their own evidence, however. The discussion of patent medicine men, and puffery throughout the minutes are also a strong indicator that these issues were reasons the organization formed.

A third leg of evidence also supports Ho 2 and Ho 3. The evidence is that of the sociological definition of professionalism--an occupation which has a code of conduct.[49] If Ho 1 is correct, and I believe I have shown it is, Ho 2 and Ho 3 should also be correct, because a discussion of ethical advertising is, in fact, a process of developing a code of conduct.

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[49] Vollmer, Professionalization, p. 24.

I am not surprised that the hypotheses were accurate. but I did not expect to see a tie-in between them. This tie in itself could be the subject of future study. For instance, one might ask the question, "What other ethical issues did the desire for professionalism spawn?

ABSTRACT

for

THE MISSOURI PRESS ASSOCIATION: A STUDY OF THE BEGINNING MOTIVATIONS, 1867-1876

by

Stephen A. Banning

The reasons for the formation of the Missouri Press Association, one of the oldest state wide press associations in the country, have never been studied before now. This paper utilized the minutes from the first ten years of Missouri Press Association to scrutinize the social factors, and motivations, involved with its formation. The result is strong evidence that the Missouri Press Association formed due to a desire to professionalize journalism. This was spawned by, or coupled with, a continued interest in dealing with ethical advertising issues of the day. The advertising problems of the day were seen as a professional concern.

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Corporate Source American Journalism Historians Association Convention	Publication Date 10-3-92

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OVER

THE DETROIT EVENING NEWS:

Nonpartisan, Reform Journalism in the 1870s

1876-1877

James Bow
Central Michigan University
Department of Journalism
Mt. Pleasant, MI 48859
Submitted for the AJHA Annual Meeting
Lawrence, Kansas, Oct. 3, 1992

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The Detroit Evening News was founded by James E. Scripps in 1873, at the beginning of a period in which urbanization was fragmenting "people, businesses, governments, political parties and newspapers" in the Midwest, as described by David Paul Nord.[1] The arrival of immigrants from Europe contributed to this fragmentation in the form of separate languages, cultures and housing patterns.[2] Nord comments that one'effort of newspapers of this time was to "try to create a collective life that all people could share" in such cities as Chicago, St. Louis and Cleveland. The collective initial vision of newspapers in such cities appeared to be the challenge of building circulation. The Detroit Evening News was a new newspaper, in a newly-industrializing city, in the 1870s, one of the Midwest's first cheap papers founded during post-Civil War urbanization. Its dedication to circulation building was carried in figures on its masthead, and in periodic small articles or editorials promoting the newspaper or attacking other newspapers, appealing for advertisers or fighting editorially for municipal printing contracts.[3] Yet, to increase circulation or carry out the visions of its owner and staff, or both, the News seemed dedicated to creating a newspaper for a varied, or collective, society, to use Nord's term.

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[1] David Paul Nord, Newspapers and New Politics, Midwestern Municipal Reform, 1890-1900, 1981 (Ann Arbor: UMI Research Press) p. 25.

[2] Richard Jules Oestreicher, Solidarity and Fragmentation, Working People and Class Consciousness in Detroit, 1875-1900, 1979, Vol.2. Ph.D. Dissertation, Department of History, Michigan State University, APPENDIX I, Table 13, p. 513: By 1800, 54.3 percent of Detroit's workforce and 39.2 percent of its population were foreign-born, (from Tenth Census, Vol. I., pp. 471, 876). In 1880, the predominant foreign-born nationality of Detroit workers was German (21.8 percent), with Canadian (12.5 percent), Irish (7.6), British (7.1), and other nationalities, 5.4 percent. From APPENDIX 1, Table 13, p. 516 op. cit., based on Tenth Census, Vol. 1, p. 876.

The total population of Detroit rose by 46.2 percent between 1870 and 1880, from 79,577 to 116,340, APPENDIX I, Table 1, p. 499, based on Eleventh Census, 1890, Vol. 1, Part 1, p. 370, op. cit.

[3] By its fourth issue in 1873, the News had reached a circulation of between 8,000 and 9,000 a day --- "from four to six times the city distribution of any contemporary, "writes Lee A. White,

QUESTIONS

The purpose of this study is descriptive, to provide more detail on one of the Midwest's post-Civil War newspapers, with popular, working class appeal. Both of those terms also require examination, as used in descriptions of the "new journalism" of the late nineteenth century. Terms describing the press under this category have sometimes been used in sweeping phrases and without detail. Does "popular" mean massive circulation, for example? Or, does it mean an appeal to popular tastes as perceived by the publishers. The latter does not necessarily produce the former. Questions of definition also arise in the term "working class newspaper," and will be addressed later.

The Detroit Evening News apparently was among the first, if not the first, newspaper to fit many of the published characteristics of new journalism following the Civil War. Papers with some similar chracteristics, as described by writers about the 1870s and early 1880s, are Melville

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The Detroit News, 1872-1917, 1918 (Detroit: Evening News Association), p. 17. Another in-house source for circulation was the newspaper's printing of circulation figures on the editorial page. In its third-anniversary editorial, the News reported an average daily circulation the week of Aug. 19, 1876, as 15,666. In the same editorial, the News claimed circulation and advertising declines in Detroit's competition, all morning papers: The Free Press, the Post and the Tribune.

The editorial noted the other papers "malign and vilify their youthful competitor." The News also practiced vilification in its editorial and local news columns. Both the Post and Tribune were Republican papers. The Post was owned by influential political, lumbering and steel making interests in the state, and the Tribune was formerly co-owned by James Scripps. The Free Press was Democratic, jealous of its own literary style and running a column which scoffed at Blacks. In the 1880s, the Free Press established an edition in London, England.

Stone's and Victor Lawson's Chicago Daily News (1875), the Cleveland Press (1878), founded by James Scripps of the News, Joseph Pulitzer's St. Louis Post-Dispatch (1878), and the Kansas City Star, started by William Rockhill Nelson in 1880. They shared some characteristics including cheap price and a stated, editorial dedication to public service and independent criticism of public officials. Both Scripps' News and Nelson's Star boosted public works and municipal improvement, the News continually chiding the city for failing to clean the horse-clogged streets and the Star pushing for paved thoroughfares. The political non-partisanship of both papers was evident from the beginning, avowed by Scripps in his first editorial in 1873 and echoed by Nelson in an editorial before the first city election the newspaper covered:

> The Star has no axe to grind, no candidate to elect, no party to serve. Its only interest is in the growth and prosperity of Kansas City and the proper administration of the city government. It is for the best men, entirely regardless of party...[4]

A major question in this paper is, What is the substance of nonpartisan editorial policy in an early "new journalism" newspaper in the Midwest. The word "non-partisan" does not necessarily define the full nature of the political coverage of the News or of similar newspapers. If the Star's editorial is to be accepted literally, nonpartisanship would mean an essentially philosphical editorial page. It would be more meaningful if the flat prohibitions on causes or candidate backing referred to predispositons, as was most likely. Another question is whether nonpartisanship simply opened the door to special interests, not identified with a single party.

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[4] Staff of the Kansas City Star, William Rockhill Nelson: Story of a Man, a Newspaper and a City, 1974 (New York: Beekman Publishers, Inc.), p. 42.

Nonpartisanship, however, would appear to be consistent with the new commercialism of post-Civil War new journalism, as was the low two-cent price of the News and its efforts to boost circulation in Detroit and throughout Michigan's Lower Peninsula. When the News was started in 1873, Detroit had one Democratic and two Republican newspapers. Alone in the evening field in the city, the News would appear to have had a clear market for street sales and subscriptions, if its appeal crossed party lines and was not limited to the narrower poltical appeal of its morning rivals.

BACKGROUND

Historians have described the News and its offspring in the Scripps newspaper chain as aligned with organized labor beginning in the 1880s, as the American labor movement increased in importance. There were unions in the 1870s but no major consolidated labor organizations in Detroit. If the News was a working class paper at first, it was not a labor paper. Any designation of early Scripps papers of the 1870s as working class may be a distortion, obscuring the collective function of the paper in dealing with many elements of society, not just workers. Furthermore, the News was the only afternoon newspaper in Michigan in the '70s. Its chosen field was a broad one, in terms of readers and advertisers. Its two-cent price, however, did suggest appeal to lower-income readers, and that aspect plus other aims at mass appeal may have made the News the Midwest's first cheap, popular newspaper, following Charles A. Dana's 1868 transformation of the New York Sun to reflect news "as human interest, and which is of sufficient importance to arrest and absorb the attention of the public or any considerable part of it..."[5] Descriptions of the News and the Cleveland Press have often included the working class as an adjunct and a category, as the Emerys note Scripps papers at large were "above all...distinguished for their devotion to the interests of working people."[6] That appears to be true, as the Scripps' papers principal leader, E.W. Scripps, conceived and directed the founding of his chain. Yet to depict the News in particular as a working peoples' newspaper as its chief distinction would be to ignore or distort two functions, among others, stated by its founder, James Scripps. He wished to include the working class but exclude no groups, including business and professional readers. And he vowed to make the writing in the paper lively, interesting and condensed. A paper for "the great mass of readers," was Scripps' description in an introductory editorial on the paper's first day, Aug. 23, 1873. These characteristics, along with a nonpartisan editorial policy, seemed to be features contained in full or in part in several later American newspapers, along with cheap price. The Chicago Daily News and the Kansas City Star are two examples.

The writing style of the News appeared to be a consciously, even pretentiously directed and promoted feature among the staff. In a local news note on April 3, 1877, the paper attacked the Detroit Free Press, as was often the case, and stated that this competing newspaper was for servants to read while "their Masters and Mistresses when desirous of amusing reading matter still read Swift and Smollet and Cervantes and LeSarge, or perhaps Mark Twain and THE EVENING NEWS..." But, in another local note, it was also clear that servants and anyone else were not excluded from the News' "racy and terse" prose, the newspaper's self-description.[7]

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[5] Charles A. Dana, lecture to the Wisconsin Editorial Association, 1888, in Frank Luther Mott and Ralph D. Casey, Interpretations of Journalism, 1937 (New York: F.S. Crofts & Co.), p. 159.

[6] Edwin and Michael Emery, The Press in America, An Interpretive History of the mass Media, 7th Edition 1992, (Englewood Cliffs., N.J.: Prentice-Hall), p. 163.

In addition to James Scripps' prospectus editorial for the first day of the paper, there are other clues about the intent as well as the operation of the early News. It is important to consider Scripps at this point and his approach to running a newspaper. How much was Scripps' doing? How much was the paper a collective result of separate, staff decisions? The latter would suggest the News was consistent with the pattern of other late nineteenth-century newspapers in which the personal editorship of the owner or principal editor was less apparent and the newspaper's function became more compartmentalized, in the description of Dicken-Garcia.[8] If the News were a result of compartmentalized, staff decisions, then one may follow the approach of Park's "natural history of the newspaper,"[9]deemphasizing the "Great Editor." Scripps delegated decisions on his newspaper, and at times appeared to tolerate and even encourage independent thinking. One example was the headline for a Canadian hanging, containing the deck, "Dropped to Eternity."[10] It is hard to imagine Scripps, a devout churchman and rather reticent aristocrat, approving that headline; yet the appearance of that language plus other "racy" prose suggest tolerance if not encouragement. But it is clear that what Scripps intended his paper to be in the beginning remained: a newspaper for the masses, nonpartisan, with witty and condensed language. So the founding editor's presence was felt, in editorials, and in news. James's younger half-brother, E.W. Scripps, described him as a "man of considerable force and great ambition."[11] The younger Scripps also said his brother achieved intellect and the bearing of an aristocrat through study and hard work. A youth from Scripps' Detroit neighborhood recalled years later that Scripps could display "Olympian aloofness" but Scripps

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[7] Detroit Evening News, (DEN) "Local Brevities, " Dec. 30, 1876, p. 4.

[8] Hazel Dicken-Garcia, Journalistic Standards in Nineteenth-Century America, 1989 (Madison: The University of Wisconsin Press) p. 61.

[9] Robert Ezra Park, Society (Volume II of the Collected Papers of Robert Ezra Park) 1955 (Glencoe, Ill.: The Free Press) p. 89.

[10] DEN, p. 2, May 23, 1877.

> "was not aloof or a snob...His was the philosophic aloofness of a genuine individualist who believed ...that everyman was on his own..."[12]

James Scripps ran the business side of the News and also wrote or rewrote copy in the newsroom. His daily routine included overseeing editorial content and makeup of the vertical-column pages, directing the bundling of papers for delivery and work again in the newsroom at the end of the day.[13] Advertising and circulation sales operations were contracted to other representatives outside the paper, presumably allowing for greater concentration and independence of the staff with editorial content.[14]

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[11] Edward Willis Scripps, "The Story of One Woman," (unpublished), May 16, 1890, Drawer 1, Box 2, Ellen Browning Scripps Papers, Denison Library, Scripps College, Claremont, Calif.

[12] Walter B. Pitkin, On My Own, 1944 (New York: Charles Scribners' Sons), pp. 55-56.

[13] William W. Lutz, The News of Detroit, 1973 (Boston: Little, Brown & Co.), pp. 8-9.

[14] Arthur Pound, The Only Thing Worth Finding, 1964 (Detroit: Wayne State University Press), pp. 103-104.

Scripps' views on public issues, as reflected in editorial page policy from 1873 to mid-1877, included appeals for municipal street, park and transportation improvements; monitoring of the state legislature on tax and fiscal policy, among other issues, and attacks on political patronage at the local as well as national levels. One of Scripps' most consistent views involved fiscal responsibility, public as well as private in banking and other business. His emphases were illustrated in a brochure on Michigan history he wrote and published the year the News was founded.[15] Significant events in the state from 1838 to 1848 included "the bank inflation, the internal improvement schemes, the five million debt and other like topics," Scripps wrote.

Scripps' writing on the News remains unverifiable, except for his first signed editorial in the first issue of the paper in 1873. Most writing in the paper was unsigned. If Scripps wrote little himself, he would follow the pattern noted by Dicken-Garcia for the newer, compartmentalized newspaper of the late nineteenth century. Other news and editorial writers on the early News staff included half-brother E.W. Scripps, who served for short periods as Lansing correspondent and city editor; John McVicar, managing editor; Robert Ross, top writer; other staff, with some hired from papers outstate because the News circulated through southern Michigan, and Michael J. Dee, first local editor and later associate editor, writing many or most editorials.[16] Dee was characterized by a biographer as an impetuous Irishman, and portrayed as the driving force behind the News' salty, irreverent writing style. Dee served on the News for more than 20 years, so any conflict between his approach and the elder Scripps' more reserved journalistic style was either negotiated or tolerated by both. Other family members worked for the News, including George Scripps on the business side, Will Scripps in printing, and Ella Scripps in advertising; a dual job was held by James's sister, Ellen Browning Scripps, who served as proofreader and also wrote a column of pieces culled from newspaper exchanges, "Matters and Things" They were irreverent, sometimes with a thrust of social criticism or a notation of women's place in nineteenth century society:

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[15] J. E. Scripps, An Outline History of Michigan, 1873 (Detroit: Tribune Book and Job Office), Foreward.

[16] George B. Catlin, "Little Journeys in Journalism, Michael J. Dee, " Michigan History, Vol. 10. No. 1, January, 1926, pp. 26-39.

> A male plaintiff in a breach of promise suit in London has obtained one farthing damages ... it shows how much less value is fixed by male juries on the loss of a prospective wife than of a prospective husband. Things will be different when we get female juries. [17]

METHOD

The newspaper was studied systematically from July-August, 1976, to July 1, 1877. This period was chosen because by these years, the News, by its own statement, had passed its "experimental era" and had "fairly settled down" to business.[18] Much of the news in the paper was presented as briefs with standing column heads, and it may have been a symptom of experimentation for the reader to be presented with so many varying heads from 1873 to 1876, and even beyond, some irreverent or terse ("Sunday Sparks" for religious news; "Death's Doings" for obits; "Temperance Topics;" "Dominion Dashes" for Windsor, Ontario, news; "Cablets" for minor cable news; "Domestic Mosaic" or "Local Laconics" and several other headings for short, local news items. In July, 1976, and later). News editors could not determine whether to make crime news columns rather casual ("Criminal Jottings") or to be more blunt ("Bad Men" as one column heading).

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[17] DEN, Aug. 6, 1974, p. 2. "Matters and Things" was unsigned. Therefore, it cannot be assumed Miss Scripps wrote all the copy, but the style of writing and choice of subject matter seems consistent with other similar columns.

[18] DEN, Aug. 23, 1876, p. 2.

By August, 1876, the News had settled on a fairly consistent format for short local news items, an expansion of vital statistics ranging from two-line personal notes to long paragraphs covering City Council or Board of Education meetings. By August, 1876, this column, or multi-column feature was generally titled "Local Brevities." The study of locals columns was begun with this column head in place. Finally, the editorials on page two of the newspaper had a settled format, not the case in earlier years when on some days editorials did not appear. By 1876, the editorial section began every issue with short items, even one-liners, the reverse of formats in which a lead editorial dominates the page and any short or light feature editorials run last. Thus, there was no single "lead" editorial by position. The number of editorials per day ranged from three or four long-paragraph pieces, plus the short "openers," to two long vertical columns of editorials, some six to eight inches long.

Editorials were read to determine the News' approach as a nonpartisan newspaper and to assess the newspaper's collective interest in varying levels, from local to international issues. The locals column suggested examples of collective local interest, usually not major stories but ones of direct, personal interest for the population of the city and state. Sample newspapers were chosen for reading, from weekdays and on the weekend. Page-two editorials and page-four locals were read in Tuesday and Saturday editions from Summer, 1876 to July 1, 1877. (July, 1876, locals were read in spotty fashion as column names and format still seemed to be under experimentation.) Weekend news was considered to contain possibly different stories and the Saturday edition of the paper was read for both editorials and the locals column. (There was no Sunday edition until 1884.) A preliminary look at the columns indicated the chief difference between Saturday and Tuesday items was the high amount of church news on the weekend, in "Local Brevities" or in a separate column (such as "Pious Paragraphs").

RESULTS

The local news columns, "Local Brevities,"were an efficient use of the News' style of condensed news. There were longer news articles, reviews and commentary in the paper. Condensation did in fact make room for other features to run long, if necessary. But the chief locals columns appeared to provide a single heading for a wide range of community news, beyond the level of vital statistics and occasional gossip, varying from jokes and irreverent humor, visitors to local hotels and the weather to business mergers and bank failures, newspaper campaigns for street cleaning, bar fights, arrests of prostitutes, reviews of operas or plays, ward politics, city council coverage and school board news. "Local Brevities" contained frequent news about new cases during a small pox outbreak in 1877. And the News campaigned for a small pox hospital "not a pest house." Sporting events were described with the professional wrestling the most prominent event. Community sporting interest included cricket clubs and rowing clubs on the Detroit River. Compared to other sources of Detroit history concerning this period,[19] the News was not generous with its space devoted to the city's growing ethnic minorities or to its black community.[20] The most respectful coverage in "Local Brevities" was of the German-American community, the city's largest ethnic minority. These included items on cultural societies and organizations as well as on the German-American press.

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[19] See Note 2, Oestreicher, op cit. Pitkin, op. cit., writes that Detroit's west-side 10th Ward included a range of immigrants from several countries who lived across Grand River Avenue from James E. Scripps. An Irish family had a slaughterhouse next door to Scripps; Poles lived farther out in the country, and in the ward there were French, Belgians, and Dutch, among other immigrants.

The News covered Poles infrequently, and on one occasion coverage in "Local Brevities" was in the form of a Polish joke, Nov. 14, 1876, p. 4. It was a political joke, in dialect, and the punch line, translated, said: "How can you make him a Democrat when he eats meat on Friday?"

[20] Many in Detroit's small Black population lived in a neighborhood nicknamed "Kentucky." Local Brevities" reports on that neighborhood generally involved petty crime or drunkenness, Nov. 14, 1876, p. 4.

The News coverage of Blacks included "Kentucky" as well as items about "colored" political groups organizing. Most coverage, however, included the poor at one extreme and high achievers at the other, with few in between. On May 8, 1877, "Local Brevities" on page four noted Albert Burgess and T.R. Chesup appeared in court "as the two first resident negro lawyers in the state" and recent graduates of the University of Michigan Law school.(Continued on p. 18)

Oestreicher, op. cit., cites Detroit's black population as 2,235 in 1870, or 2.8 percent of the population, with the black percentage declining by 1880 to 2.4 percent as the over-all population grew, from Appendix I, Table 20, p. 519.

Six categories of news from "Local Brevities" are tabulated below. They appeared to be the categories most frequently used in the columns. Less frequent news included health (small pox); charities (and social charity functions); Windsor, Ontario, news; accidents (involving wagons or falling on ice, among others); deaths; suicides or attempted suicides; missing children, and real estate sales. As in the above list, there was no special order for appearance of items in the local feature, which could run as a long as two and a half newspaper columns. Longer items, such as reviews of drama or city council coverage, were near the end of "Local Brevities."

Of the more frequent categories, political news was the least frequent. It usually involved local ward politics and elections, not national politics, presented elsewhere in the paper. The category of crime and courts generally involved theft, other petty crime, swindles often occurring in taverns, arrests for prostitution, and, on one occasion, charges against a banker whose bank failed. The cultural category was broad, for it included sports clubs and professional wrestling matches plus drama and entertainment at the city's theaters and opera houses along with performances by the city's German singing societies as well as by church music groups. "City" news involved actions of city departments or individuals, including reports on the city treasury, street improvements and schools. Organizational news was essentially organizational notices, of meetings, other activities and involved social clubs, Y.M.C.A., and churches. A church would be considered an organization in terms of its services or inner workings, but a cultural institution in terms of performances for the public. The final category is personal mention, such as visitors to the city or local residents who were traveling elsewhere. In the category "Crime/CRTs in the table on the next page, "CRTs" refers to courts.

"LOCAL BREVITIES"
August 1876, to July, 1877

	Political	**Crime/CRTs**	**Cultural**	**City**	**Org**	**Personal**
2212	**148**	**589**	**581**	**276**	**292**	**326**
Total						
99.9%*	**6.6%**	**26.6%**	**26.3%**	**12.5%**	**13.2%**	**14.7%**

***Total percentages do not add up to 100% due to rounding of percentages.**

The rather high percentage of cultural items, including musical and drama performances, may suggest supervision of the column based on James Scripps's own reported interests, in music, literature and art.[21] Scripps was an art collector, and the "Local Brevities" occasionally mentioned sales of paintings at local stores. One writer attributes "Local Brevities" to Scripps,[22] although a better estimate would be that it was a collective project, culling and rewriting news from several beats, including police and courts.

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[21] Lutz, op. cit., writes of Scripps' interest in paintings, both as a collector of art and leading founder of the Detroit Art Museum, p. 15, p. 187.

Scripps also was president of the Detroit Oratorio Society, JES Papers, Burton Historical Collection, Detroit Public Library.

[22] Sidney Kobre, op. cit., p. 198

An additional aspect of the newspaper section was continual attack on rival Detroit newspapers, the Free Press, the Post and the Tribune. The News declared a truce when the Post and Tribune merged in February, 1877, but the spirited insults re-emerged in the spring.[23]

Detroit newspaper wars of the 1870s had resulted in the death of one new paper, the Union, and the merger of the Republican papers, the Post and the Tribune. The News was alone in the evening field, and noted this on Aug. 7, 1876 in describing the death of the Chicago Telegraph, an evening paper which competed with the News in southwestern Michigan. But the Telegraph was the "only real competition the EVENING NEWS has felt since its foundation, three years ago," the News said. If that was the case, the News' editorial and locals columns' attacks on the Detroit morning press may have been less a concern of circulation and more a matter of pride, sense of competition and possibly public appeal or perception of the publics' enjoyment of a good fight. The News seemed to concentrate much of its venom on the Free Press, a Democratic newspaper with literary pretensions, The News editorial page carried a piece about the "decline" of the Free Press on April 8, 1877. It melodramatically cited the rival's "sickening decay" and charted the paper's fall into "intellectual and financial decrepitude,...emerging from the ashes, as it were, in the form no longer of a senile, superannuated political organ, but of a semi-idiotic and youthful, but perfectly harmless clown..."

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[23] DEN, Feb. 3, 1877, p. 2.

In its editorials, the News ran a total of 861 from July 1, 1876 to July 1, 1877 --- in its Tuesday and Saturday papers. Of these, 47.8% involved national subjects, other categories being local (25.5%). state (14.5%), international (6%), miscellaneous such as weather or springtime (5.9%) and one labor editorial. (Labor items in "Local Brevities" also were infrequent but did include mention of a printers' strike at the News.)

The high percentage of national editorials was due to the unusual year in national politics, beginning with the 1876 presidential election between Rutherford B. Hayes and Samuel Tilden. Election returns were contested and the final result was not resolved for five months, when a federal elections commission made its ruling, giving 185 electoral votes to the Republican Hayes and 184 to Democrat Tilden. The News editorialized during this controversy, offering little encouragement that either candidate would provide hoped-for reform of political patronage in federal appointments. Accompanying News coverage was rather excited at times, even predicting warfare in Washington, D.C. In some states, there were two sets of electors, each believing it was valid. Louisiana for a time had two men claiming the governorship. And some of the complaints in Louisiana, Alabama and South Carolina came from Republicans who believed that Blacks --- considered Republican voters --- were kept from voting by Democrats: a vision of poll taxes and registrars hostile toward blacks for many decades to come in the South.

During the Hayes-Tilden fight, the News voiced its nonpartisan stance, originally declared by James Scripps in the paper's first issue. But nonpartisanship did not mean disengagement; the News did endorse Peter Cooper, Greenback party candidate for president. The newspaper also endorsed state and local candidates in November, 1876. On July 28, 1876, at the beginning of the national campaign year, the News declared that it was nonpartisan in politics and "neutral in nothing." It would be free to point out "a flaw or weakness in the character or career of any public man or any candidate for a prominent office..."

The News editorialized during the presidential campaign, and during the long dispute afterward. In its occasional criticism of both major candidates, the News seemed to be carrying nonpartisanship into a further dimension: the viewing of all party politics as corrupt and debased. The message from the newspaper was that party politics destroys truth. "George Washington declared that the spirit of party is the worst enemy of the Republic..." (DEN,Dec. 9, 1876, p. 2)

On the national level, after Hayes was declared the winner, the News noted that political patronage seekers were petitioning as before, and "the government is about constructing a storehouse in which to put away applications for office." ("Local Brevities," March 27, 1877) In local politics, the News sought a nonpartisan city government through a new Detroit charter, "a vast improvement in our present system." (DEN, Dec. 5, 1876, p. 2)

The variations in the form of nonpartisanship, as represented by a Midwestern newspaper of the 1870s, may serve to define further the flexibility of this kind of editorial policy. Not only was the News not a neutral newspaper, it carried editorials which ranged from definitions of its own brand of nonpartisanship to attacks on political figures in the obvious self-interest of the News, not the public good. The newspaper could use the veil of nonpartisanship to advance its own self-interest.

In defining nonpartisanship as not neutral, the News strongly expressed its commitment to personal scrutiny to "fearlessly point out the strength or weakness of a candidate, a platform or a measure of public interest." (DEN, July 28, 1876, p. 2) The News examined Tilden and Hayes in editorial page analyses, and found both candidates lacking. In its explanation of this approach, the newspaper in its July 28, 1876 article noted "weak, short-sighted partisans" who accused the paper of supporting Democrats by criticizing Hayes. A major criterion the News used for both candidates was its estimate of the likelihood of either one offering civil service reform and an end to flagrant political patronage. Neither candidate met the News' standard.

Another approach used in the News might be termed the benign system defense. In this case the existence of both parties was praised, as the News editorialized on Nov. 8, 1876 (p. 2): "We need to learn that both parties are essential to the well-being of the nation..." The system was supported, but in editorials the words party and partisanship often carried adjectives, such as "weak," "wily" or "wire-pulling."

While the News advocated civil service reform on the national .level, it pushed for continual reforms on the state and local levels. This may be termed a nonpartisan stance in the good-government category. The News called for a nonpartisan Detroit city council, under a new charter and in the same weeks celebrated a new presidential administration with hope that new civil service rules would be issued. "No more cakes and ale for unfortunate office-holders," the News editorialized on June 23, 1877. The news criticized the 1877 state legislature as inefficient and, earlier, in pushing for a nonpartisan Detroit council, noted that the body was "too often corrupt."

(DEN, Jan. 16, 1877, p.2). The News in 1876 had charged the city council with "giving away" the city to the Detroit City Railway company, in low revenues paid by the streetcar system to the city. (DEN, Dec. 10, p.2) Nonpartisanship presumes a vigilance which operates more freely without editorial-page ties to parties. And, in the 1870s, the News' editorials would appear to carry language familiar in later years in the Progressive and muckraking eras. Not only "good government," but "efficient" government was a goal, and the vigilance was acute when government and business made deals.

The nonpartisanship described in previous paragraphs would suggest a greater freedom to comment and analyze, to bear public interest in mind above politics and to seek specific reforms, both as the News defined its nonpartisanship and as the newspaper carried out its policies in the editorials cited. What the News did not cite about its nonpartisanship was the repetitiveness of its criticism of partisanship, noted in language earlier, and the fact that nonpartisanship could be used not only for advocacy of good government alone, but also for the advancement of the News' self-interest.

In a one-sentence editorial on June 30, 1877 (p.2), the News said: "Yes, Carl Schurz' idea is a good one-- the disestablishment of the machine in politics." The picture painted of the new Detroit council was one of struggle to form a government, against "an irresponsible ring of wire pullers who are just now endeavoring to foist certain of their tools into the public employ."

(DEN, June 11, 1877, p.2). In other language, the newspaper, advocating city election reform, hoped that "primary meetings and caucuses be purified and made so that decent men will not be ashamed to go." (DEN, Nov. 11, 1876, p. 2).

Although the bizarre, disputed presidential election of 1876 may have raised the News' critical temperature in condemning partisanship, many of its critical editorials appeared before the presidential election became an inconclusive wrangle.

In another seemingly consistent push for good, efficient city government, the News published editorials and background articles in several issues attacking the city controller, a Mr. Garfield (no first name published). Asking the city council "to lay partisanship aside," (DEN, March 10, 1877, p. 2), the News called for the appointment of a new city controller, citing inept financial decisions by Garfield, including paying for goods and services for the city at far higher rates than the newspaper claimed were prudent. The News' evidence was not that Garfield was corrupt, but that he had mismanaged the placement of the city's newspaper advertising, paying higher rates for the News' competition and failing to advertise in the lowler-cost News. The attack on Garfield lasted for at least three months, and the newspaper's own self-interest in the issue was clear.

DISCUSSION AND CONCLUSION

The News' self-interest in nonpartisan editorial subjects suggests that a certain kind of partisanship may exist in a nonpartisan newspaper, based on self-interest of the paper or of those it supports. Partisanship may be economic as well as political. Certainly a nonpartisan editorial page could attract more subscribers, and circulation itself was an editorial subject at times -- a sign of a new newspaper's struggle to prosper. What the News seemed to offer was a picture of political partisanship or party politics isolated from concepts of good government. It certainly is not the only such case, as journalism has continually offered similar views in the past and current centuries. For an early nonpartisan newspaper, it is interesting to see this isolation clearly and the condemnation and veiled disgust repeated so frequently. Certainly, the facts of the news in 1876 and 1877 suggested such a condemnation of politics, in a corrupt administration of President U.S. Grant, in the disputed 1876 election and in local government covered by the News. The observations here from one newspaper could be compared in continued studies of other nonpartisan journalism of the time to see if it, like the News, crossed a sometimes fine line between nonpartisanship and anti-partisanship, perhaps pleasing former readers of stodgier partisan newspapers but also weakening their views of political parties and their value.

Concerning questions asked earlier in this study, it appears the News' appeal went beyond the working class, and in fact in the 1870s the numbers of this population or its union organizing had not yet reached their peak as they would in the 1880s. Nord's description of collective forces in fragmented urban societies may have applied more strongly to a later period, the 1880s and 1890s. Detroit may have been "fragmenting" in the 1870s but such a force was not as fully apparent in the 1870s.

Also, the News was anti-partisan, if the adjectives to describe "partisan" are noted in the newspaper's editorials. The newspaper was not just critical of all parties, it was skeptical and cynical about party politics as a category. It seemed to issue this assessment to readers, who may have become hard-pressed to retain party loyalty when told they were part of a corrupt system, including both major parties. Anti-partisanship is a sharp blade that could cut into a party system of loyal constituents, weakening party discipline. How did other newspapers of the time express nonpartisanship, or even political partisanship in the coverage of urban corruption? One example for further study might be Charles A. Dana's lively New York Sun and its commentary on New York's Tammany Hall, compared to local political coverage by the News and other new newspapers following, such as the Chicago Daily News, the Kansas City Star and the St. Louis Post-Dispatch.

The cartoons of Thomas Nast and newspaper coverage of Tammany Hall are described in journalism histories of the post-Civil War period. Less is known of Midwestern journalism in an era when acquiescence rather than protest, acceptance rather than reform appeared to be dominant in the 1870s and 1880s. Or, does the silence merely await further discovery? The Detroit News displayed a reform spirit under a nonpartisan editorial page policy. What other new Midwestern newspapers possessed a spirit of reform and put it into words?

APPENDIX

APPENDIX, James Scripps' Role

James Scripps' role as publisher and editor of a single newspaper lasted for about five years. In 1878, Scripps along with other family members purchased the Cleveland Penny Press, transforming it into a breezy, condensed newspaper under editorship of James' half-brother, E.W. Scripps.

Histories of Scripps journalism have varied in their versions of the purchase of the Cleveland paper, which became the initial property of the Scripps chain, operated principally by E.W. Scripps. In some sources, E.W. Scripps is credited with the founding of the Press as a Scripps property (Kobre, op. cit., p. 204).

Evidence that the initial impetus came from James Scripps is strong. In his diary on May 16, 1878, the elder Scripps wrote: "Thinking of the plan of starting a series of cheap papers in various cities as Cleveland, Buffalo...with delegates from the news office in charge." (Scrapbook No. 1, James Scripps, Warren Wilkinson Collection, Grosse Point, Michigan.)

Confusion over whose determination launched the Scripps chain was fueled by continuing feuding between James and E.W., each taking credit. But at one point, E.W. Scripps acknowledged that James Scripps "was the seed of the whole Scripps fortune. He was the founder of the first sheet and very small newspaper that was intended for the general public..." (E.W. Scripps manuscript, "The Origin and Development of the Scripps Fortune and its Creators," undated, Ellen Browning Scripps Collection, Drawer 2, Box 1, Denison Library, Scripps College, Claremont, Calif.)

(Following Page)

The News of Nov. 25, 1876 carried a story with the boldest and largest headline size the paper used, warning of civil war over the Hayes-Tilden election return dispute.

Also on page two, at left, is the first half of the editorials column, with short, condensed editorials leading the page, as was the News format.

(Following Page)

An example of the Local Brevities column from the top half of page four, April 3, 1877. The feature ran in the second and third columns of the page.

The first column contained a headline, at top, signifying an important step in the end to Reconstruction in the South---with a lower deck noting political patronage.

The full story on wrestling, lower right, indicates a major news and feature interest in the News, including Local Brevities. From page four.

(Following Page)

The News' front page on Oct. 24, 1873. The format was substantially the same in 1876-1877, although the paper acquired a new case of type in 1877.

Ads ran on all pages of the four-page newspaper.

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Address: 750 W. BLUE GRASS MT. PLEASANT, MI 48858	Telephone Number: (517) 774-3196
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OVER

The Blood of Kansas
and the New York Penny Press

By
Gary L. Whitby
Spring Hill College
Mobile, Alabama

Submitted to the American Journalism Historians Association,
National Convention: October 1-3, 1992, Lawrence, Kansas

ABSTRACT:

The Blood of Kansas and the New York Penny Press

The violence that erupted in the Kansas Territory in the mid-1850s nad been brewing for some time in New England and the Southern states. New England abolitionists had begun to organize in the early 1830s and, by the mid-1850s, were financing free-soil settlers to move into Kansas and work against the extension of slavery into the territory. Southern forces were also in Kansas by this time, and when violence broke out, Kansas began to "bleed" with the excesses of such fanatics as John Brown.

By the time of the outbreak of violence in Kansas, the New York penny press had, for the most part, taken sides on the issue of abolition. However, although these papers, excepting the New York **Herald**, generally supported the anti-slavery movement (different from abolition in that it advocated a gradual dismantling of slavery), they did so in distinct ways. The purpose of this study is to trace how the New York **Sun, Herald, Tribune**, and **Times** reacted to "Bleeding Kansas" and featured it as news in their columns.

The Blood of Kansas and the New York Penny Press

The slavery-related strife that tore America apart in the nineteenth century was fought first in territories such as Kansas and Nebraska before being cast in a larger scale on Civil War battlefields. Although historians have documented sectionalism well, during the 1850s there was an intellectual battle over the territories whose contours have not yet been fully charted.

This was the struggle for the minds of New Englanders touching the question of the legitimacy of the spread of slavery. It was fought, before and during the actual violence, in the most powerful press system in the country, the New York penny press--the New York **Sun**, **Herald**, **Tribune**, and **Times**--which was anything but unanimous in its approach to the impending storm over sectionalism. This study examines these four papers and how they dealt with sectional strife in what would come to be called "Bleeding Kansas."

Hostilities began in Kansas in 1855 when Missouri sided with the South and Missouri newspapers began to editorialize against the New England Emigration Aid Company, whose purpose was to sponsor and outfit free-soil settlers for Kansas. Missouri claimed the Company's actions were in violation of the Kansas-Nebraska Bill's doctrine of popular sovereignty. Thousands of what the abolitionist press called "bar-room rowdies," "blacklegs," and "border ruffians" poured into Kansas from Missouri on the day of the election of territorial legislators, stuffing ballot boxes so heartily that for slightly more than

2,000 registered voters there were more than 6,000 ballots cast.[1] Andrew H. Reeder, a Northern Democrat, had been appointed governor of the Kansas territory and sought to disqualify eight legislators who had been elected irregularly; he was overridden by President Pierce, however, who later removed Reeder as governor. Reeder was later reelected governor of the territory by a meeting of the free-soil powers in Kansas--he and his forces organizing at Topeka, and the pro-slavery forces organizing at Lecompton.[2]

The rival factions taunted each other as being "border ruffians" and "abolitionist fanatics," the Missourians arming themselves and Reeder's men doing likewise, the latter with rifles that had been provided by the New England transcendentalist Henry Ward Beecher (called "Beecher's Bibles"). A number of savage slaughters ensued, including a raid in which the abolitionist John Brown bludgeoned five men to death, acting, according to him, "under God's authority."[3]

When violent outbreaks continued in Kansas, President Pierce sent John W. Geary of Pennsylvania to govern the territory in the summer of 1856. Geary incurred the wrath of the pro-slavery faction by requiring the repeal of a number of undemocratic provisions favoring them and was forced to flee the territory for his life and return to Washington, where the new Buchanan administration accepted his resignation with relief and appointed Robert J. Walker of Mississippi as his successor.

Walker, well-intentioned not to show prejudice, was ignored by the Lecompton faction, which drew up a constitution based on their minority view that guaranteed slavery in Kansas. After Buchanan backed the Lecompton constitution, Walker promptly resigned. Following heavy politicking by Illinois Senator Stephen A. Douglas, the Lecompton Constitution was voted down in 1858 by a popular vote in the territory of 11,812 to 1,926. Kansas would enter the Union as a free state in 1861.[4]

The Sun's Reaction

The **Sun** generally advocated popular sovereignty for Kansas and editorialized against the Missourians. In an August 1855 story titled "More Trouble in Kansas," the **Sun** noted that a Mr. Butler, neither pro-slavery nor abolitionist, had settled in Kansas and refused to sign a pro-slavery declaration. Butler was tarred and feathered and set afloat on the Mississippi in a raft with a sign that read, "Let further emissaries from the North beware. Our hemp crop is sufficient to reward all such scoundrels." The **Sun** used the terms "abolitionist" and "anti-slavery" interchangeably in the article and closed with, "We rather think that the Missourians cannot deter sturdy adventurers from the East from settling in Kansas by cultivating hemp."[5]

In other stories, the **Sun** noted the restriction of the circulation of the **Herald of Freedom**, an abolitionist newspaper, in Atchison, Kansas,[6] accepted a report that noted the violence of the Missourians and contended that stories about free-soilers burning houses were all false,[7] showed pro-slavery men as the aggressors in a battle with abolitionists,[8] and noted in an entry titled "Aid for Kansas," that $5000 had been raised for the "cause of freedom in Kansas."[9]

One **Sun** story called on Congress to intervene in Kansas and pleaded for fair play:

> If the House really desires to give peace to Kansas, let it pass a bill repealing the obnoxious Territorial laws, and providing for a new election by the people in which their will can be fairly expressed, and if the Senate refuses to agree to this wise and just measure, then the people will know where to place the blame, and they will take care that the right prevails.[10]

In the same issue the **Sun** printed an excerpt from the **London Daily News** which sided with the abolitionists: "There can be no doubt now as to which of the two conflicting forces in Kansas is most in the wrong; and if all the Southern immigrants ally themselves with the Border Ruffians and marauders from any other quarter there will be nothing left to say in their excuse and nothing to hope in regard to their fate."[11]

In 1856 the **Sun** applauded the appointment of Geary as governor of Kansas and argued that the state must be free to make up its own mind whether it would or would not have slavery and that, if given free choice, it would not choose slavery. In this piece the **Sun** tried to steer a middle course, arguing:

> if in the fair exercise of their rights [Kansans] make Kansas a free state, as it is certain they will, what cause will that furnish the South for raising a disunion cry? The truth is, the disunion cry at the South, and the intense agony which some of our anti-slavery extentionists at the North affect, are counter tricks in the political game. The people, who are sincere, may be deluded for a while, but they will discover by and by that the politicians don't

> believe themselves when they talk about the dissolution of the Union.[12]

A March 1857 story criticized Congress again for not taking a stronger role in Kansas, noting that Geary had done all he could. The story advised the free-soil men to be wise and patient and that they could finally win if they really wanted to:

> If they will be but wisely true to themselves, [they will] triumph over their opponents and obtain control of the local legislation. But they must be patient, watchful, persevering and prudent. If they act like madmen or fools they will continue to be under the control of the minority, but if they act as wise men the future of Kansas is theirs to shape.[13]

In eight other stories the **Sun** supported Buchanan's appointment of Walker but noted that the federal government would have to support him if he were going to be successful;[14] suggested that it might be immoral to obey a Kansas Constitution that did not represent the interests of the majority;[15] once again blamed Congress for inaction, this time for not removing a corrupt governor pro-tem named Stanton, sent ahead of Walker;[16] and noted an incident in which a free-soil editor was called "a God-damned red-headed abolitionist" by a "border ruffian."[17]

Stories during 1857 included one that assured Kansans brave enough to "keep right and justice on their side" that they would be "sustained by the powerful aid of public opinion;"[18] one titled "In a Bad Fix" that showed walker as being torn between extremists North and South;[19] and another that applauded his decision to count a recent vote on slavery in Kansas as "fraudulent" and to ask for a second vote.[20] Regarding the Kansas Constitution, the **Sun** complained that the convention did not submit it to the people: "The question at issue is not, 'Is the Constitution a good one?' but, 'Shall the right of the people of Kansas to decide its merits and its suitableness be denied? or shall it be recognized.'"[21]

Frank O'Brien, in his Story of the Sun, has written that

> Douglas had been one of the Sun's great men, for the Sun listed heavily toward the Democratic party nationally; but it did not disguise its dislike of the Little Giant's unhappily successful effort to organize the territories of Kansas and Nebraska on the principle of squatter sovereignty."[22]

The present study, however, found strong evidence that the Sun approved of Douglas' efforts on behalf of Kansas. Following an attack on Douglas by a Northern Whig Senator, the Sun published the following:

> It is really pitiable to hear a United States Senator attack the sound and impregnable position which Mr. Douglas has taken on this Kansas question, in the style of an ambitious partisan, who seeks the political standing of an associate and fellow democrat. . . . Mr. Douglas . . . stands on a true and indestructible democratic platform. Others may not choose to stand with him, but it is a poor excuse for their wrong-headedness, that Senator Douglas has not always held his present views. It's of small importance whether Mr. Douglas is or is not a consistent politician, but it is of immense importance to the country that its peace shall not be jeopardized and the bonds of union weakened by any reckless attempt of a dominant party to trample underfoot a principle which lies at the base of all free government.[23]

Finally, two stories in the late 1850s announced that the free-soilers had voted down the Lecompton Constitution[24] and, in an entry titled "Lecompton Dead," blamed the Buchanan administration for not sponsoring in Kansas the writing of a fairer constitution that would have been acceptable to both sides. If Buchanan had acted more wisely, the Sun argued, "Kansas would have come into the Union as a Democratic State, and his Administration would now be strong in the confidence and respect of the country."[25]

The New York **Herald**

Kansas brought together in a clash the conflicting ideologies of North and South regarding economic modes of production. The economic interests of the South in Kansas were obvious: it needed new territory into which to expand its agricultural empire. The motives of the North were less clear, however. Although they seemed to be religious, New York **Herald** editor James Gordon Bennett claimed that they were quite economic.

The free-soilers in Kansas did not "care so much about the question of slavery, except as it affects their pockets by depreciating the value of real estate," Bennett wrote. They were "determined to hold the reigns of government in Kansas, whether she be State or Territory, in their hands," he said.[26] The issue of Kansas was one that was "ominous of the speedy dissolution of the democratic party, North and South, and of the reorganization of all parties upon sectional issues, and of a general and disastrous disunion."[27] Only trade could save Kansas, Bennett seemed to say.

In March of 1858 he wrote that trade and the necessities of life would rob the abolition and free soil movements of their drive. "They have grown weary of shrieking, and are now . . . turning their attention to the practical affairs of life--operations in Indian land reservations, railroads and other speculations, which they expect to turn to good account." Any idealism expressed in the Kansas controversy was, the editor wrote, a "bubble," one that, when burst, would bring people back to the serious business of making a living.[28]

In April of 1858 Bennett applauded Buchanan's settlement of the Kansas issue by subjecting it to a vote among legitimate Kansans in the territory. Bennett predicted that such a vote would provide a "victory over the anti-slavery holy alliance of the North greater than anything that has been achieved over the sectional organization since the annexation of Texas." The position of the Buchanan administration, in attempting to strike a middle road by balancing the interests of one section against the other through popular vote, had exercised, Bennett suggested, a coolness exactly the opposite of abolitionist emotionalism. The **Herald** predicted that the Buchanan administration would continue to keep in balance "all these sectional and factious elements of disorganization . . . under the wholesome restraints of discipline. . . ."[29] In the same issue Bennett took occasion to satirize extremists and frauds on both sides of the controversy, concluding that "It is time the whole disgusting subject was got rid of, or we shall soon have the area of freedom enlarged in Kansas so as to include amongst its voters not only foreigners and niggers [imported by both sides for their votes] but mules and jackasses."[30]

Bennett's apparent hopes for a Southern victory in Kansas were dashed, however, when, by the end of April 1858, it became clear that the free-soil vote was stronger in Kansas than the vote for slavery. In an editorial titled "Kansas a Dead Loss to the South," Bennett elaborated his vision of how the South might, nonetheless, recoup its losses in the presidential election of 1860. This involved the South's use of its part of the balance of power to its own benefit. Bennett conceded that the Republican vote in 1860 would be strong, but not so strong as to prevent the election's being thrown into the House of Representatives. There the virtues of the union balance and the Constitution would be manifested in the South's solid democratic vote commanding enough electoral votes to put its candidate in the White House. "From the sectional cross-firing of such an array of candidates, tickets and parties in 1860," Bennett wrote, "the most probable result will be a failure to elect by the people. In that event, the election will go into Congress, where, each state casting only one vote, the South will certainly be able to dictate the candidate or the terms of his election."[31]

The New York **Tribune**

Horace Greeley's New York **Tribune** had far more to say about slavery in Kansas than any of the other three papers. Greeley sought to galvanize the North, as well as whatever Southern sympathizers he might be able to attract, by way of a strong emotional attack on the pro-slavery forces. Pro-slavery men were characterized as "Border Ruffians" from Missouri who were responsible for "general devastation and massacre," including, one story claimed, two recent murders of free-soilers. Sharps rifles were being sent into Kansas to prevent such violence, the **Tribune** said. "Rebellion--civil war--disunion--wholesale carnage--such were a few of the gorgons which men of means, who should have contributed generously to purchase those rifles, summoned to the protection of their pocket book," the paper said. It could be seen that the rifles had saved numerous lives, "dissipated the black cloud of civil convulsion, and proudly upheld the Free-State cause. . . ."[32] Another story characterized Kansas and its possession by pro-slavery men as a "modern Sodom," on which "fire and brimstone [had] not yet descended."[33]

The **Tribune** characterized the Southern bid for slavery in Kansas as a contest between the "head" (the Southern aristocratic "thinkers" and their Northern political allies) and the "heart" (the people of Kansas, excluding those who had been suborned by pro-slavery forces). In a March 1856 summary of a recent speech by Senator Stephen A. Douglas, the **Tribune** suggested that not only intellectual trickery but also raw force were the tactics of the Southerners. Speaking in the Senate for, according to the **Tribune**, the slaveholders, Douglas had said to the free-soilers, "We mean to subdue you." The **Tribune** responded:

> "We will subdue you," cried Lord North in 1774--the result of which cry was the Declaration of Independence, in which one of the chief grievances alleged against the British Government was its obstinate zeal for the extension of Slavery. "We will subdue you," cried John Adams and the Federalists in 1798, and to that intent they passed the Sedition act, of Which the consequence was their defeat at the election of 1800, and the inauguration as President of that avowed Abolitionist and sharp hater of Slavery--Thomas Jefferson.

> Whether this cry, "we will subdue you," is to be any more effectual in the mouths of such political giants as Mr. Douglas and Mr. Pierce than it was when uttered by Lord North, by John Adams and by Jefferson, remains to be seen. . . .[34]

In heated language the **Tribune** thundered that Douglas should reflect on these events and their outcomes as well as on the fact "that this is the age of Sharp's rifles." If, the paper said, in Douglas' attempt to subdue the free-soilers,

> the light should be made to shine through and through his political body; if, instead of hanging the men of Kansas for treason, he should find some fine Summer morning, himself and all the Northern traitors, his associates, hung high as Haman on a moral gallows--let him confess, as he feels himself choking, that we long ago warned him of his danger and bade him take heed.[35]

In contrast to the intellectual manipulation on the part of the Southern aristocracy, the people of Kansas, guided by the heart, were not, said the **Tribune,** willing to see slavery move into the territory. Speaking of the pro-slavery constitution drafted by Southern forces in Lecompton in the spring of 1858, the **Tribune's** special Kansas correspondent wrote, "The news reached Lawrence (site of the Northern forces) yesterday that 'Lecompton' . . . has passed Congress. It comes back to the people for 'ratification or rejection.'" Its ratification was not likely, said the correspondent, because "The heart of the people is right, and the handwriting on the wall is so plain that even the few politicians or speculators who swallow the iniquity are paralyzed by the aspect of affairs."[36]

The Lecompton constitution itself was false because it was based on the unimpassioned and intellectual self-interest of the slave-holding elements in Kansas and not on the will of the people, the **Tribune** argued. "Is there virtue in the People?" the **Tribune** correspondent asked. "Does a sense of right rise above selfish consideration, and is the corruption of representative power a perversion of that which it should signify. I think the result will be such as to vindicate the squatters of Kansas." The "virtue" of the people was a natural condition, the correspondent suggested; and its absence was unnatural. "There can be no prosperity where the sense of public honor is rotten at the core," he wrote. "There can be no luck in the soil that is watered by the unpaid sweat of any portion of the children of men." The "servants of the oligarchs" were "girding on their armor for the fight," the correspondent wrote, in terms that negated the image of chivalric honor. "Democracy" was flattering itself that it would be "able to kill the people's Constitution [drawn up at Lawrence and based on free voting]." "Wait!" the correspondent said.[37]

Other stories suggested that political fraud and corruption were the "natural fruits" of "Border-Ruffian usurpation"[38] and that the emotions as the touch point for a love of freedom would guide to freedom even the Indian slaves in Kansas who escaped from their Indian masters.[39]

In five other stories tending to feature alleged Southern dominance and rudeness, the **Tribune** emphasized that Kansas was overrun with "Missouri Border Ruffians," who, in Lecompton, were attempting to "enforce obedience to the laws of the bogus legislature"[40]; claimed that the Lecompton leaders were "impudent impostors"[41]; openly accused President Buchanan of "crush[ing] out" freedom in Kansas[42]; and complimented Kansas Territorial Governor Walker for rejecting the Lecompton constitution in the fall of 1856. In this last story the **Tribune** also warned the Governor, "If you had undertaken to bolster up this abominable fraud, and impose another year of Pro-Slavery rule on the freemen of Kansas on the strength of it, you would have brought the whole question at once to the arbitration of cold steel. . . ."[43] Another entry spoke of Lecompton as a "little Virginia town" and described it in terms likely to be inflammatory to Southerners:

> [T]he whole sensation is that of the Old Dominion. . . . Instead of the rising school-houses and churches of Lawrence, the little street is lined with barrooms, whereof the chief is the "Virginia Saloon." The tavern is true Virginia--bacon, corn-bread and dirty negro boys and girls to wait at table. Southern provincialisms strike one's ear at every moment, and the town is garrisoned by . . . militia, reinforced yesterday by twenty-five precious youths from Georgia, in a high state of whisky.[44]

The **Tribune** claimed that such descriptions, as well as the general emotional tenor of its other stories directed against Southern involvement in Kansas, were not exaggerations. In May of 1856 the paper defended itself against claims by the conservative New York press that the **Tribune** had exaggerated a recent attack on Lawrence,[45] and in a separate entry in the same edition argued that what it had claimed to be "outrages in Kansas" were outrages indeed. "We beg our readers to consider well these harrowing accounts," the **Tribune** said, "and then judge between us and those who would belittle these outrages into ordinary border feuds, and who accuse us of extortion and exaggeration."46

Even by January of 1861, when Kansas was admitted to the union as a free state, the **Tribune's** emotions over the issue had not entirely cooled. "The present generation is too near to these events to see them in their true proportions," the paper said, referring to events leading to Kansas' admission, "but in the future, in impartial history, the attempt to force Slavery upon Kansas, and the violations of law, of order, and of personal and political rights, that were perpetrated in that attempt, will rank among the most outrageous and flagrant acts of tyranny in the annals of mankind."47

The **Tribune** published far more on the Kansas issue than can be dealt with in this study. Two other basic rhetorical strategies used by Greeley were (1) to characterize Southern forces in Kansas as being undemocratic and (2) to employ Harriet Beecher Stowe's Uncle Tom's Cabin as a rallying point for arguing against the spread of slavery into Kansas. The reader is referred to the following **Tribune** editions for relevant stories.48

The **New York** Times

The **Times** was alleged by its critics at the point of its founding in 1851 to be an abolitionist paper. Perhaps sensitive to this claim, the paper steered clear of endorsing abolitionism outright while at the same time siding with Northern forces in Kansas. A story in August, 1852, criticized President Pierce and his stance on the Kansas issue by comparing slavery in the territories to a toad being swallowed by a "common black snake" (the free-soil forces). Pierce, on the other hand, ". . . took it down as one swallows an oyster, smacking his lips as if he only wished that his throat were as long as a well-pole, and lined with a palate throughout.[49]

Several **Times** stories in early 1854 criticized Senator Douglas and his attempts to palliate the South, one claiming that the Northern people were opposed on principle to the extension of slavery into the territories and that the ". . . great mass of the Southern people are indifferent . . . seeing clearly that it can be of little practical benefit to them." However, at the same time the **Times** was supporting free-soil in the territories, it referred to the "ranting attacks of the Abolitionists for the last twenty years" as contributing to sectional unrest.[50]

In a March editorial comparing free-soil labor to slave labor, the **Times** cited the success of recent German immigrants in Texas as one example of the greater efficiency of free labor over slave labor. "They pick cotton better and cheaper," said the paper; "they buy less and sell more with their voluntary . . . labor than the neighboring planter can with his drove of slaves, who do their slatternly tasks under continual fear. They are, at least in Texas, uprooting the system [of slavery] more than all the ranting attacks of Abolitionists . . . ."[51] Here the **Times** suggested there was a natural economic factor at work that would eventually lead to the dismantling of slavery. Indeed, in one story, the **Times** referred to this factor as being ". . . irresistible--like a law of Nature."[52]

As a way, perhaps, of "printing all the news that's fit to print"--the **Times**' well-known motto--and keeping itself from becoming too much like Greeley's fevered **Tribune** on the issue of slavery in Kansas, the **Times**, by 1854, had cleverly begun to publish excerpts from other Northern papers railing against slavery in the territories. This made the **paper's** point while at the same time keeping the it above the fray. The **Times** also continued to insist that the Southern people did not really support slavery.[53]

The **Times**' oblique stance on territorial slavery became straighter, however, as the issue came to be defined in Kansas. In an August, 1854 story headed "The Pioneer Invaders," the paper strongly supported the New England free-soil movement and encouraged those heading for Kansas ". . . to hold a freeman's plow, not to hold a slave. Let us hope [the Southerners'] . . . fear may grow with time and wax fat in the new Territories."[54] Here the **Times** once again suggested that free-soilism was a natural condition while slave-soilism was an unnatural one.

By 1856 the **Times** was openly supporting free-soilers in Kansas and still complaining about abolitionists--while reporting abolitionist-related events with sometimes very convincing, if violent, abolitionist arguments against slavery. Here the **Times** showed the same sort of cleverness it continued to show in printing clippings from other newspapers and letting those papers, in effect, make the **Times'** point without the **Times** taking responsibility.[55] The paper's basic argument continued to be that the institution of slavery was unnatural and, therefore, unprofitable.

The **Times** decried President Pierce's appointment of a pro-slavery governor of Kansas, claiming that Pierce was in favor of slavery and its extension into the territories.[56] The paper also asserted, in a long editorial in February of 1856, that the South had nominated Millard Fillmore only ". . . because he is pledged to the Fugitive Slave Law, and to all the measures of the Pro-Slavery propagandists of the South."[57] Fillmore would, the paper claimed, renew the old rivalries between North and South and open old wounds, making the slavery issue the primary issue of the day.

By the summer of 1856 the tone of the slavery debate had become quite heated, and the **Times** had begun to adopt abolitionist epithets. The **paper** claimed in an August 1856 story that it had "startling evidence" that "Border Ruffians from Missouri" had stopped free-soilers on their way to Kansas through the Nebraska territory. The Southerners were 1000 strong and ". . . fully armed with cannon, &c., prepared for war." The pro-slavery forces, said the **Times**, ". . . seem to be determined now to make clean work of it, and drive every Northern man out of Kansas."[58] By October of 1856, the **Times** was vilifying the South heatedly for repealing the Missouri Compromise, claiming that its purpose in so doing was to reopen the African slave-trade.

In November of 1856, the **Times** printed a letter from the widow of English poet George Gordon Lord Byron, expressing her sympathy for the Northern view of the Kansas question and sending the paper 65 pounds to be used in assisting with the effort to establish free-soilism in the Kansas territory.[59] In the same issue, in a story titled "Ralph Waldo Emerson has spoken . . . ," Emerson, sponsored by the Young Men's Kansas Relief Society, was quoted as saying that, in view of recent setbacks, Divine Providence apparently intended that ". . . Liberty should be no hasty fruit" but that "Thinking men will not advocate slavery."[60]

By 1859 the **Times** had come to view civil war as being fully natural and inevitable: "The laws of nature are not likely to be suspended for our benefit, and if anything like the 'irrepressible conflict,' on which the changes are now ringing so loudly from Maine to Mexico, is really pending in the United States, it is time for all prudent men to begin to put their houses in order."[61] And, in a curious story in December, 1859, the **Times** accused Bennett's **Herald** of being an abolitionist paper, but one so subtle that Southerners had not noticed it. The **Herald**, said the **Times** writer, had a large circulation in the South, and this made it possible to reach Southerners with abolitionist sentiment where other Northern papers had failed. The **Times** here also accused the **Herald** of being responsible for Harper's ferry and for fomenting the sectionalism that had led to it.[62]

Conclusions

Clearly, as one might expect, the New York penny press was heavily involved in the Kansas question. However, the nature of that involvement differed to a marked degree from paper to paper. The **Sun**, which, as Frank O'Brien has noted, during its first two years had published strong pro-abolitionist pieces, became more moderate on the issue following the departure of George Wisner in 1835. Thereafter, the **Sun**--under the editorship, successively, of Benjamin Day and Moses Beach--while generally siding with anti-slavery forces, typically rejected the hysteria of the abolitionists as well as that of the more radical Southern elements. It tried to steer a middle course between extremes, and it took this position on the Kansas issue.

Bennett, as expressed in his Herald, which was definitely anti-abolitionist and at times even pro-slavery, apparently really felt the Kansas issue would be decided favorably for the South in an open territorial election. Bennett's overall belief touching the issue of slavery was that each section of the country should be allowed to establish its own mode of economic production without interference from any other section. Having worked in the South for an extended period of time, Bennett was the only one of the penny press editors who showed any sympathy for the slavery establishment. An astute economist, he realized that if civil war came, the North would lose a great deal because of its vast income from the cotton industry. Bennett seriously underestimated the force of abolitionist thought and conviction.

Greeley's **Tribune** was certainly the least moderate voice of the penny papers on the issue of slavery and its spread into Kansas. Greeley supported the abolitionists and wrote the most virulent rhetoric against slavery of any of the four papers. Much of this was so harsh as to alienate him from even liberal readers in the South, so that by the end of the 1850s the **Tribune** had almost no circulation in Southern cities and had been banned in many. The numerous biographies of Greeley explain his feverish campaign against slavery in terms of his religious upbringing, Universalism, which was a branch of the Unitarian Church. Much of Greeley can also be explained by way of his socialism, which was perhaps founded on his religion and which led him to the simple belief that one person could not ethically own another.

The **Times**, edited by Henry Raymond, was simply more clever in its treatment of free-soilism in Kansas than either the **Tribune** or the **Herald.** Raymond must have realized that if he took sides with either the conservative extremism of Bennett or the radical extremism of Greeley, he would damage his circulation. Therefore, like the **Sun**, the **Times** steered a middle course. In addition, the **Times** argued the demise of slavery by claiming that it was unnatural and that time, therefore, would dismantle it. This depersonalized the argument to some extent and gave the **Times** a rhetorical advantage over the **Tribune**, which relied primarily on emotionalism. Raymond also learned the trick of letting clippings from other papers make his point for him, giving his paper the advantage of appearing to be more objective than the other penny papers.

Notes

1. Richard Hofstadter, **et al.**, eds. **The American Republic**, (New Jersey: Prentice-Hall, Inc., 1959), p. 571.

2. **Ibid.**, p. 572.

3. **Ibid.**

4. **Ibid.**, pp. 577-578.

5. "More Trouble in Kansas," **New York Sun**, no. 7217, 30 August 1855, p. 1, col. 3.

6. **New York Sun**, no. 1033, 13 October 1855, p. 3, col. 4.

7. "Further from Kansas," **New York Sun**, no. 7307, 14 December 1855, p. 2, col. 2.

8. "More Trouble at Kansas," **New York Sun**, no. 1048, 26 January 1856, p. 3, col. 3.

9. Review of **The Piazza Tales** by Herman Melville, **New York Sun**, no. 7468, 9 June 1856, p. 1, col. 4.

10. **New York Sun**, no. 7532, 23 August 1856, p. 2, col. 1

11. "English View of the Slavery Agitation," **New York Sun**, no. 7565, 1 October 1856, p. 1, col. 3.

12. "Kansas," **New York Sun**, no. 7565, 1 October 1856, p. 2, col. 1.

13. "Kansas Affairs," **New York Sun**, no. 7702, 11 March 1857, p. 2, col. 1.

14. "Release of a Colored Citizen," **New York Sun**, no. 7715, 26 March 1857, p. 1, col. 5.

15. "Shall We Submit or Rebel?," **New York Sun**, no. 7728, 10 April 1857, p. 2, col. 1.

16. "Our Kansas Correspondence," **New York Sun**, no. 7753, 9 May 1857, p. 1, col. 4.

17. "Our Kansas Correspondence," **New York Sun**, no. 7778, 8 June 1857, p. 1, col. 6.

18. "Kansas Affairs," **New York Sun**, no. 7791, 23 June 1857, p. 2, col. 1.

19. "In a Bad Fix," **New York Sun**, no. 7845, 25 August 1857, p. 2, col. 1.

20. "Governor Walker and the Administration," **New York Sun**, no. 1141, 7 November 1857, p. 2, col. 1.

21. "The Kansas Constitution," **New York Sun**, no. 7936, 8 December 1857, p. 1, col. 2.

22. Frank O'Brien, **The Story of the Sun** (New York: Greenwood Press, 1960), pp. 123-124.

23. "The Kansas Question," **New York Sun**, no. 7949, 23 December 1857, p. 2, col. 1.

24. "The Kansas Contest," **New York Sun**, no. 7974, 22 January 1858, p. 2, col. 1.

25. "Lecompton Dead," **New York Sun**, no. 8040, 9 April 1858, p. 2, col. 1.

26. "News from Kansas," **New York Herald**, no. 7815, 25 January 1858, p. 8, col. 1.

27. "The Lecompton Constitution in Congress--The Final Battle," **New York Herald**, no. 7830, 9 February 1858, p. 4, col. 2-4.

28. "Kansas for Lecompton," **New York Herald**, no. 7876, 27 March 1858, p. 4, col. 4.

29. "The Kansas Question--Daylight at Last--The Disorganizers Defeated," **New York Herald**, no. 7891, 11 April 1858, p. 4, col. 2.

30. "The Late News from Kansas--Disintegration of the Opposition," **New York Herald**, no. 7891, 11 April 1858, p. 4, col. 3.

31. "Kansas a Dead Loss to the South--Southern Democratic Views of the Future," **New York Herald**, no. 7906, 26 April 1858, p. 4, cols. 1-2.

32. "The Peril of Freedom," **New York Tribune**, vol. XV, no. 4586, 31 December 1855, p. 4, col. 2.

33. "Coming to Come," **New York Tribune**, vol. XVII, no. 5978, 30 July 1857, p. 5, col. 2.

34. "We Will Subdue You," **New York Tribune**, vol. XV, no. 4651, 15 March 1856, p. 4, col. 3.

35. **Ibid.**

36. "KANSAS--The Lecompton Swindle--Its Fate," **New York Tribune**, vol. XVIII, no. 5326, 17 May 1858, p. 6, col. 1. Hofstadter wrote, "(A) rigged election for delegates (in Kansas) to a new constitutional convention . . . led to the choice of the pro-slavery delegates" (**The American Republic**, p. 578).

37. **Ibid.**

38. **New York Tribune**, vol. XVI, no. 4976, 1 April 1857, p. 4, col. 3.

39. "Kansas, Adventure of a Fugitive," **New York Tribune**, vol. XVI, no. 4898, 30 December 1856, p. 5, col. 2.

40. "Affairs of Kansas," **New York Tribune**, vol. XVI, no. 4677, 15 April 1856, p. 4, col. 2.

41. **New York Tribune**, vol. XVI, no. 4767, 30 July 1856, p. 4, col. 6.

42. **New York Tribune**, vol. XVI, no. 4819, 29 September 1856, p. 4, col. 2.

43. **New York Tribune**, vol. XVII, no. 5156, 29 October 1857, p. 4, cols. 3-4.

44. "Kansas," **New York Tribune**, vol. XVI, no. 4832, 14 October 1856, p. 6, col. 1.

45. **New York Tribune**, vol. XVI, no. 4716, 30 May 1856, p. 4, col. 5.

46. **New York Tribune**, vol. XVI, no. 4716, 30 May 1856, p. 4, col. 3.

47. **New York Tribune**, vol. XX, no. 6166, 29 January 1861, p. 4, col. 1.

48. "The Bogus Laws of Kansas," **New York Tribune**, vol. XVI, no. 4923, 29 January 1857, p. 3, col. 3.
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New York Tribune, vol. XVII, no. 5117, 14 September 1857, p.

4, cols. 2-3.
New York Tribune, vol. XVI, no. 4937, 14 February 1857, p. 4, col. 5.
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New York Tribune, vol. XVII, no. 5015, 16 May 1857, p. 4, col. 3.
"The London Times and Slavery," **New York Tribune**, vol. XIX, no. 5854, 28 January 1860,p. 4, col. 4.
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"American and Foreign Anti-Slavery Society," **New York Tribune**, vol. XIII, no. 3766, 12 May 1853, p. 5, col. 4.
"Anti-Slavery Society, etc.," **New York Tribune**, vol. XIII, no. 3780, 28 May 1853, p. 5, col. 5.
"Slavery Illustrated," **New York Tribune**, vol. XV, no. 4378, 1 May 1855, p. 4, cols. 2-3.
"Execution of a Slave in Virginia," **New York Tribune**, vol. XVII, no. 5261, 2 March 1858, p. 6, col. 2.
New York Tribune, vol. XVII, no. 5221, 14 January 1858, p. 4, col. 3.

49. **New York Times**, V. I, No. 286, Wed. Aug. 18,1852, p. 2, col. 3.

50. The **New York Times**, No. 767, Fri., March 3, 1854, p. 4, col. 2. See also# 741, Wed., Feb. 1, 1854, p. 1, col. 1; and #754, Thurs., Feb. 16, 1854, p. 4, col. 1.

51. **New York Times**, #767, Friday, March 3, 1854, p. 4, col. 2.

52. **New York Times**, #767, Fri., March 3, 1854, p. 4, col. 2.

53. **New York Times**, #780, Sat., March 18, 1854, p. 4, col. 1. See also #921, Thurs., Aug. 31, 1854, p. 1, col. 5.

54. **New York Times**, #921, Thurs., Aug. 31, 1854, p. 4, cols. 3-4.

55. The **New York Times**, #1465, May 29, 1856, p. 1, col. 2. See also #917, Sat., Sept. 30, 1854, p. 4, col. 3.

56. **New York Times**, #1244, Thurs., Sept. 13, 1855, p. 4, col. 1.

57. **New York Times**, #1386, Wed, Feb. 27, 1856, p. 4, cols. 1 & 2.

58. **New York Times**, #1527, Mon., Aug. 11, 1856, p. 2, col. 5.

59. **New York Times**, Thurs, Nov. 13, 1856, p. 2, col. 6.

60. **New York Times**, Thurs., Nov. 13, 1856, p. 1, col. 6.

61. **New York Times**, Sat., Nov. 5, 1859, p. 4, col. 2

62. **New York Times**, Thurs., Dec. 29, 1859, p. 4, col. 3.

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SELECTED TEXAS NEWSPAPER EDITORIALS AND SPANISH-AMERICAN WAR SENTIMENT

Douglas Ferdon, Assistant Professor
and John Tisdale, Lecturer
Journalism Department
Baylor University
Waco, Texas 76798

Selected Texas Newspaper Editorials and Spanish-American War Sentiment

Abstract

The Spanish-American War was eventually supported by Texas newspapers in 1898 but not until politicians began drumming the cause for rights in Cuba. Until the time of Senator Proctor's speech in March, 1898 on Cuban living conditions, the Texas press was divided between supporting the coming war and criticizing the yellow press of New York and Texas.

Newspapers such as the Galveston Daily News found much at fault with the vigorous promotion of American interests in Cuba by other newspapers and editorials in the Austin Daily Statesman criticized Washington reporters for being overzealous.

There were editorials in several Texas newspapers that claimed each would only print facts and not unsubstantiated rumors. The Associated Press was praised for its attempt to maintain an objective approach.

But after the Maine sunk in the Havana harbor and Congressmen began to speak out more forcefully, Texas newspapers became less critical of the yellow press and more pro-war.

Selected Texas Newspaper Editorials and Spanish-American War Sentiment

Historians generally agree that two events--a Spanish envoy's private letter published in the New York Journal and the sinking of the USS Maine--in February 1898 shifted the Cuban question out of diplomatic circles and into the public arena. Furthermore, journalism historians generally agree that William Randolph Hearst's Journal and Joseph Pulitzer's New York World were two papers that promoted war and profited from increased circulation immediately before and during the war.[1] Yellow journalism was catching on.

Editorials in selected Texas newspapers immediately before and during the war showed yellow journalism was not an East Coast phenomenon. Texas newspapers were competitive like those in New York, with each trying to outdo the other and increase circulation? In editorials, Texas newspapers used anti-Spanish rhetoric to promote and abet the war. Editors were not cautious even with the Gulf of Mexico vulnerable to a Spanish invasion.

But there was another side, too. Many Texas papers were more concerned with yellow journalism and the promotion of the war by American interests than they were the Spanish.

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[1] Edwin Emery and Michael Emory. The Press and America. (Englewood Cliffs: Prentice-Hall, 1978) p. 288.

Olasky found that "Texas newspapers often treated Spain as, surprisingly, only a secondary enemy. Far more criticism was directed at the "yellow journals" of New York.[2] However, by March of 1898 there was a shift and most newspapers in Texas began supporting the war. Yellow journalism eventually became a lower priority than the war.

Other states went through changes similar to Texas. Rosenberg and Ruff found editorials in Indiana "restrained in view of Cuban rebellion"[3] but that changed as the country moved closer to war with Spain. Sylvester found Kansas newspapers did not "agitate for war" and urged a "a cautious course".[4] In the Oklahoma territories, however, Boles found that newspaper supported the war effort more strongly. But even there it was not until the sinking of the Maine that editorial comment was bellicose.[5]

All in all, the fervent cry for war from the yellow press of New York was not heeded in several Western states until politicians began speaking out. In Texas, for instance, it was not until Senator Proctor of Vermont spoke of living conditions in Cuba, thirty-two days after the Maine sank, that many newspapers began to support a war effort.[6] Olasky reported that Texas editors began differentiating between animosity toward New York newspapers and the war effort and admitted that the yellow journalists were partly right after Senator Proctor's March 17 speech.[7]

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[2] Marvin N. Olasky, "Hawks or Doves? Texas Press and Spanish-American War," Journalism Quarterly, 64:1 (Spring, 1987), 205-09.

[3] Morton M. Rosenberg and Thomas P. Ruff, Indiana and the Coming of the Spanish-American War (Muncie Ind.: Ball State University, 1976).

[4] Harold J. Sylvester, "The Kansas Press and the Coming of the Spanish-American War," Historian, 31:2 (1969), 251-67.

[5] David C. Boles, Editorial Opinion in Oklahoma and Indian Territories on the Cuban Insurrection, 1895-1898," Chronicles of Oklahoma, 47:3 (1969), 258-67.

Yellow Journalism in Texas

Texas newspapers printed as many editorials cautioning and chastising their fellow journalists of the perils of yellow journalism as they printed editorials on U.S. foreign policy in Cuba. The pitfalls of yellow journalism were outlined in the lead editorial that appeared February 28, 1898 in the Galveston Daily News: "The worst feature of yellow journalism is its extreme partisanship, yet even here the excuse of the editor is parallel with that of the lawyer; he must present the best side of his client's case."[8] The implication was that a "client" had to read a rival newspaper to understand the other side of an argument. The Galveston newspaper admitted that false reports from Cuba were a problem but that the American reader was intelligent enough to disseminate the factual from the exaggerated. "Spicy newspapers pay" because people buy them and "a newspaper should print what the people want to read," the editors lamented.[9] That pay, claimed the newspaper, was used to increase the number of reporters and editors covering the Cuban problem.

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[6] Michelle Bray Davis and Rollin W. Quimby, "Senator Proctor's Cuban Speech: Speculations on a Cause of the Spanish-American War," Quarterly Journal of Speech, 55:2 (1969) 131-41.
[7] Olasky, Op. Cit.
[8] Editorial, Galveston Daily News, February 28, 1898.

Correspondents based in Washington D.C. and reporting in Cuba supplied the "spicy newspapers," with the majority of stories originating from Cuba. Editorials in the Austin Daily Statesman chided Washington reporters for their overzealous reporting. Washington reporters, the editors warned, "can make more out of the most insignificant thing than any set of men in the world."[10] The Austin newspaper believed that if correspondents were paid for the number of inches in news copy produced, they "could retire after one winter's service."[11]

The Houston Daily Post, was a leader of yellow journalism. The Post, which operated on a seven-column, broadsheet format, began using a one-column wide American flag at the top of the first column on the editorial page after war commenced. On May 23, 1898, the Post began printing sporadically "Remember the Maine" superimposed onto the flag. The Post, like other Texas newspapers, both intentionally and unintentionally ran its share of bogus reports in an effort to scoop the other newspapers. Its hawkish view, however, was not without its detractors.

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[9] Ibid.
[10] Editorial, Austin Daily Statesman, February 28, 1898.
[11] Ibid.

The Galveston newspaper did not fail to notice the Post's practice of running unconfirmed news stories. In an editorial published July 26, 1898, the Galveston Daily News reported that the Post was now running a disclaimer at the end of its war stories stating whether the information was confirmed. The News applauded the Post on this action, but reminded its readers that the Houston newspaper "has printed more unadulterated fakes...and has proven more sensational and untrustworthy than even the yellowist of yellow..."[12]

The News, on the other hand, told its readers that it would use the Associated Press as the primary source of information along with "exhaustive special reports covering every phase of the conflict and collected from the most reliable sources."[13] The Galveston paper also printed a "Notice to the Public" in its staff box in the first column on the editorial page. The notice promised readers that it would correct any error made in reporting the news. And unlike other Texas newspapers, the News published a notice informing readers of the requirement that newspapers pay a one cent tax on each telegraph message filed from Washington and Cuba. The notice had the stamp of the publisher, A.H. Belo.

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[12] Editorial, Galveston Daily News, July 26, 1898.
[13] Ibid. April 25, 1898.

The Associated Press was the primary source of news dispatches from Cuba because it "is today the greatest news agency in the world," claimed the April 29, 1898 edition of the El Paso Daily Times on its editorial page.[14] The El Paso editor pointed out that the government used the Associated Press dispatches as auxiliary reports to official government agent reports. While the El Paso newspaper had to rely on Associated Press dispatches, the Daily Times Herald of Dallas sent a reporter to Los Villas, Cuba.

The Herald reporter revealed that the Spanish government filtered the news reports from Cuba so as not to deflate Spanish enthusiasm for the war. "No news save that favorable to her (Spanish) cause is allowed to percolate," the reporter informed his editors and readers.[15] Historian Marcus

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[14] Editorial, El Paso Daily Times, April 29, 1898.
[15] Editorial, Dallas Daily Times Herald, December 24, 1896.

Wilkerson, whose 1932 Spanish-American War text is often cited, wrote that:

> The task of securing accurate reports of the revolt presented almost insurmountable obstacles without censorship because of the character of the fighting and the lack of adequate communications; with censorship it was reasonable to expect that writers would stoop to any means necessary to obtain news stories.[16]

In a page-one headline December 28, 1896, the editors of the Herald asserted, "A Bitter Press, Havana Papers Savage Against the United States." The Spanish-controlled newspaper in Havana was La Incha. The Herald quoted La Incha as reporting that "the mercenary, lying press (in the United States) is to blame for half the war troubles."[17]

Some newspapers, however, tried to give both sides of the story. The Marshall Evening Messenger, which claimed to be "The Great Republican Daily of Texas," was one of those newspapers. It was one of the few newspapers that carried a Spanish account of the war in Cuba along with Associated Press stories detailing the American view. In the May 13, 1898 issue, the lead story was from the Associated Press and the story directly below that account was from a Spanish newspaper.[18]

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[16] Wilkerson, Marcus M. Public Opinion and the Spanish American War: A Study in War Propaganda. (New York: Russell and Russell, 1932) p. 13

[17] Editorial, Dallas Daily Times Herald, December 28, 1896.

The Messenger, along with the Galveston newspaper, also warned readers and colleagues alike on the dangers of reporting news that could be used by Spain. However, the Marshall newspaper said that because of the censorship imposed by Washington, Spain "could have derived no benefit from the publication of war news by American papers."[19]

Still, the Galveston newspaper was basically alone in the calling for the United States to exercise caution in the conflict with Cuba. That position drew the ire of more than one newspaper, with the San Antonio Daily Light being the most vocal. On March 12, 1898, the patriotic Light could no longer resist criticizing the News, complaining that "As a tin god in time of peace the News is all right, but in a time of trouble it is too much occupied with its own perfections to scent a national danger."[20]

Six weeks later, the Light condemned the Galveston newspaper for its cautious editorial stance, saying the newspaper is in a "hopeless minority in its condemnation of war measures....Not the only time that the News was with the party that did not play trumps."[21]

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[18] Editorial, Marshall Evening Messenger, May 13, 1898.
[19] Ibid.
[20] Editorial, San Antonio Daily Light, March 12, 1898.

Each newspaper hoped to play a trump card in its quest for more readers because the battle among Texas newspapers was intense. The bottom line was to sell newspapers and although most editorial writers denounced the practice of yellow journalism, the reporters continued to produce a steady flow of information that sometimes resulted in bogus stories while increasing circulation. The Ayer and Son's American Newspaper Annual, a precursor to the Audit Bureau of Circulations, collected circulation figures. Unlike the ABC, however, the Ayer group got the circulation figures from the publishers, which could hardly be accepted at face value during this era.[22]

An editorial in the Alvin Sun, reprinted in the July 22, 1898 edition of the Taylor County News, summarized the reporter's role in this era: "The newspaperman who expects to go through life without being misrepresented and unjustly censured should make arrangements to die young."[23]

The Maine, the Navy, and God

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[21] Ibid. April 25, 1898.
[22] Wilkerson, Op. Cit., p. 116.
[23] Editorial, Taylor County News (Abilene), July 22, 1898.

The sinking of the Maine in a Havana harbor evoked both caution and a call to action from Texas newspaper editors. Two days after the explosion, the Galveston Daily News cautioned its readers to await a thorough investigation, but that "it is not surprising that many believe Spain did it. If Spain is responsible, war is inevitable."[24] The United States should be cautious, the newspaper warned, because the country was having to pay $141 million annually in pensions to veterans of previous wars.

The Houston Daily Post was not discouraging war, whatever the outcome of the investigation. Three days after the sinking of the Maine, the Houston newspaper laid the blame on Spain, saying "a nation is responsible for the safety of every stranger in its gates."[25] The newspaper asked rhetorically if the United States would be satisfied with an apology and answered "hardly." The Post was not a peace paper; it had editorialized in late 1897 that the country needed to prepare its defenses, and Congress needed to appropriate the needed defense funds.

The El Paso Daily Times, writing two days after the Maine disaster, said that if Spain is responsible then war is inevitable. Editorially, the Times presented the best information concerning the Maine on February 18, 1898. It emphasized that the Maine was a third class ship--the Navy said it was second class--that cost $2.5 million. The newspaper argued that one of the first class ships--Indiana, Iowa or Oregon--should have been sent to Havana and that the Alabama, Illinois, and Wisconsin were in the construction process. The editorial also described the number of guns and men, and the cost of each ship. The _Times_ had researched its subject and made a stronger argument using statistics.[26]

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[24] Editorial, Galveston Daily News, February 17, 1898.
[25] Editorial, Houston Daily Post, February 18, 1898.

The _San Antonio Daily Light_ was more philosophical in its editorial treatment of the Maine disaster, citing that the nation was emotionally ripe for war and that is not a good reason to fight. The _Light_, which usually ran editorials on Sundays, called for justice through prudent action, saying that it was difficult to have justice because it required an accuracy reached only through "labor and study and close consideration. Any fool can be a partisan. Only a wise man can do justly..."[27]

The Galveston newspaper echoed the _Light_'s call for sensible, bipartisan action. The _News_ chided the yellow journalists calling for war and listed a number of "peace" newspapers that were following what it called a rational editorial course.[28] The majority of those newspapers, which included Cleveland and Philadelphia, were not located on the Gulf Coast where residents feared a possible invasion and called for a stronger navy.

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[26] Editorial, _El Paso Daily Times_, February 17, 1898.
[27] Editorial, _San Antonio Light_, February 20, 1898.

One of those coastal cities was Galveston and the newspaper called for a stronger defense of the coast while at the same time it criticized the building of battleships.

The Galveston newspaper affirmed that international law recognized the sea as neutral territory, but that was a delusion because "nowhere else in all the world does might so absolutely make right as on the sea."[29] A month earlier on May 6, 1898 the News declared that a stronger navy was needed because "so long as the world is armed to the teeth, the consideration of self-preservation and self-protection cannot be disregarded."[30]

The Houston Daily Post also called for a stronger coastal defense. In March, the newspaper observed that a coastal fort would soon be able to defend the coast "but we should all be better satisfied if Sabine, Corpus and Valesco were equally protected. The demand, therefore, for more modifications on the Texas coast is timely and natural."[31]

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[28] Editorial, Galveston Daily News, April 10, 1898.
[29] Ibid., June 6, 1898.
[30] Ibid., May 7, 1898.
[31] Editorial, Houston Daily Post, March 14, 1898.

Austin, however, is not located on the coast and it had a different method of bolstering defenses. Responding to a report accusing the Spanish army of inhumane acts against village people in Cuba, the Statesman responded:

> And this has been done at the door of this great Christian republic. Great God! Has human sympathy fled to brutish beasts and left the hearts of men unresponsive to the cry of their fellows?[32]

Invoking the rationale of Christian responsibility, the Galveston newspaper praised President McKinley for his moral strength and judgment in conducting the war. On April 4, 1898, the News ridiculed those critical of Spain and its people concerning the Maine disaster. "People are beginning to generalize again. Anything that goes on in a country will serve as a foundation for much self-glorious, Anglo-Saxon moralizing..."[33]

The El Paso Daily Times raised a question concerning God and loyalty. The Times responded to those who questioned whether American Catholics would side with Spain because of heritage and the church. The newspaper laid the question to rest, calling the critics "bigoted enemies of the nation."

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[32] Editorial, Austin American Statesman, March 19, 1898.
[33] Editorial, Galveston Daily News, April 4, 1898.

The Statesman, however, topped the other newspapers in invoking the name of God as a reason to aid the rebels on April 24, 1898 the newspaper asserted that the "young giant of the Western hemisphere would be the chosen nation of Christ..."[34] In that editorial, the newspaper referred to the Spanish-American War as the first war "in the road to Armageddon and the introduction of the Millenium" as predicted by theologians. Making liberal use of the scriptural quotations, the writer warned readers that Spain could be the anti-Christ.

Conclusion

Yellow journalism and its effect on turning public opinion toward war with Spain can be defended. Texas newspaper editors were aware of the increasing circulation of the Hearst and Pulitzer newspapers. With the New York papers approaching the 800,000 gross circulation mark in 1897, Texas editors saw a trend spread. But to say that Texas newspapers resembled New York newspapers in yellow journalism style is not an accurate comparison.

Why? Texas newspapers had less competition. No more than about two newspapers dominated any one Texas town whereas in

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[34] Editorial, Austin American Statesman, April 24, 1898.

New York and other metropolitan cities five to six major newspapers were the norm. In the cities of Houston, Dallas, and Austin, legitimate competition existed.

All of the newspapers used in this paper were established in the 1870s and 1880s. The exception was the Galveston newspaper, established in 1842. The newspaper was the oldest in Texas and the dominant newspaper in the region. Age was a factor in this period because many newspapers were started and folded after brief periods of publishing. The Galveston newspaper had been able to establish a strong circulation base, and although it competed for readership with other newspapers, it was less likely to lose circulation for taking the minority position. For this reason, the Galveston newspaper was able to have an opinion running counter to other newspapers and public opinion.

A newspaper like the Austin Daily Statesman found the convenient rationale of being the "chosen" nation to foster its attitude toward intervention in Cuba. Religious undertones could also be found in the Dallas and Galveston newspapers although the Galveston newspaper warned its readers of Anglo-Saxon moralizing. Only thirty-five years earlier this same region of the country had fought a war believing that God would help provide victory because it was "right" and part of the "chosen." Although the analogy is not perfectly parallel, it does give insight into a mentality that already existed when the Spanish-Cuba question was becoming a concern to the United States.

With the heightening of the Cuban problem, Texas editors emptied their ink wells over concern with defending the Texas coast. This same question had been raised during the war with Mexico during the late 1840s. The Galveston newspaper, located in the state's largest port, led the editorial battle calling for increased protection.

Generally, Texas newspaper editors believed that the annexation of or a free Cuba would promote commercial and industrial ventures for U.S. businesses. A war, however, was costly to everyone and the blockades imposed during a war would only hurt the innocent Cuban people, newspaper editors warned. The Galveston newspaper was extremely cautious in its advocation of war, but like the rest of the newspapers, it decided public support was reason enough. When the war ended the Galveston newspaper best summarized the opinion of editors, exclaiming that "peace is the normal condition of human progress and the straight pathway of civilization."[35]

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[35] Editorial, Galveston Daily News, August 14, 1898.

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[10] Editorial, Austin Daily Statesman, 28 February 1898.

[11] Ibid.

[12] Editorial, Galveston Daily News, 26 July 1898.

[13] Ibid., 25 April 1898.

[14] Editorial, El Paso Daily Times, 29 April 1898.

[15] Editorial, Dallas Daily Times Herald, 24 December 1896.

[16] Wilkerson, Marcus M. Public Opinion and the Spanish American War: A Study in War Propaganda. New York: Russell and Russell, 1932, p. 13.

[17] Editorial, Dallas Daily Times Herald, 28 December 1896.

[18] Editorial, Marshall Evening Messenger, 13 May 1898.

[19] Ibid., 27 May 1898.

[20] Editorial, San Antonio Daily Light, 12 March 1898.

[21] Ibid., 25 April 1898.

[22] Wilkerson, p. 116.

[23] Editorial, Taylor County News (Abilene), 22 July 1898.

[24] Editorial, Galveston Daily News, 17 February 1898.

[25] Editorial, Houston Daily Post, 18 February 1898.

[26] Editorial, El Paso Daily Times, 17 February 1898.

[27] Editorial, San Antonio Daily Light, 20 February 1898.

[28] Editorial, Galveston Daily News, 10 April 1898.

[29] Ibid., 6 June 1898.

[30] Ibid., 7 May 1898.

[31] Editorial, Houston Daily Post, 14 March 1898.

[32] Editorial, Austin American Statesman, 19 March 1898.

[33] Editorial, Galveston Daily News, 4 April 1898.

[34] Editorial, Austin American Statesman, 24 April 1898.

[35] Editorial, Galveston Daily News, 14 August 1898.

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OVER

A VISIBLE MINORITY

Literary Journalism's Story-telling and Symbolism Spurred the Anti-Chinese Movement by Tacoma Daily Newspapers in 1885

by

Myron K. (Mike) Jordan

University of Washington
School of Communications DS-40
Seattle, WA 98195

Presented to the Annual Meeting of the American
Journalism Historians Association
October 1-3, 1992, Lawrence, Kansas

A VISIBLE MINORITY

Literary Journalism's Story-telling and Symbolism Spurred the Anti-Chinese Movement by Tacoma Daily Newspapers in 1885

The Chinese in Tacoma in 1885 were a minority that hungered for jobs, an understanding of strange American ways and invisibility. Instead, they were thrust into the hot light of an exclusion campaign fostered by the newspapers of Tacoma. The city's Chinese minority became an explanation for the lagging economy, the reason a stream of American immigrants no longer flowed toward Tacoma and why the city's continuing rivalry with the nearby Seattle suddenly was threatening. In short, the Chinese were convenient scapegoats for everything that was wrong with Tacoma and Washington Territory in 1885.

This newspaper campaign against the Chinese grew out of 19th century literary journalism. Both the Tacoma *Ledger* and the Tacoma *News* found that circulation responded to what Michael Schudson calls ". . . telling a good story as well as presenting the facts."[1] Reporters in this period, says Schudson, as often as not followed the popular literary stylists of that day. And there were many to follow. Mark Twain had enjoyed literary and newspaper notoriety since the 1860s. Bret Harte shared Twain's reputation as a Gold Rush chronicler. Rudyard Kipling, Richard Harding Davis and

Stephen Crane were also acknowledged journalists and literary figures.[2] The ideal of literary journalists in the 1880s was not to let the facts speak for themselves, but to tell a compelling story.

The role of literary journalism in America has been both praised and excoriated over the 302 years of American journalism. The last 25 years have restored some of its earlier luster in the guise of "new journalism."[3] Precisely what the phrase literary journalism defines, however, remains in question. The traditional distinctions between hard news and features are meaningless, R. Thomas Berner writes in "Literary Newswriting, Death of An Oxymoron:"

> I would argue that modern journalism should no longer categorize stories as hard news or feature or literary feature, but should recognize that given the complex nature of life, the modern journalist needs a variety of writing approaches to satisfactorily explain the world to readers.[4]

Literary journalism, as Thomas B. Connery has pointed out, ". . . gave readers another version of reality, an interpretation of culture different from that of either most conventional journalism or most fiction, that contained elements of both."[5] The essential characteristics that create literary journalism also have been described by Norman Sims. In *Literary Journalists*, Sims writes that "Literary journalism draws upon immersion, voice, accuracy and symbolism as essential forces."[6]

Connery, however, in his more recent *A Sourcebook of American Literary Journalism* broadens the definition. Connery writes:

> But literary journalism informs at a level common to fiction. This means that it conveys impressions, ideas, and emotions, and draws upon themes and motifs identified by the writer and revealed in the details of an event or in the manners, morals and actions of people."[7]

Schudson tried to explain the contrast he found in the late 19th century newspapers between the story-telling and the information models of journalism. Literary journalism, Schudson argues, fulfills the story-telling role of newspapers. It provides ". . . satisfying aesthetic experiences which help them [the readers] to interpret their own lives and to relate them to the nation, town, or class to which they belong. . . In this view, the newspaper acts as a guide to living not so much by providing facts as by selecting and framing them."[8]

The question this research paper explores through qualitative analysis is the hazard that results when literary journalism crowds out news writing based on informational content. In Tacoma literary journalism--unimpeded by informaton--created both a news agenda and a scenario for community action that was self-fulfilling. What happens when literary journalism crosses the twilight area between fact and fiction?

The *News* and the *Ledger* of Tacoma sought by their news, editorials and exchanges to help the residents of the city cope with a baffling new experience. That experience was an economic downturn in which Tacoma residents were also confronted by the lesser economic expectations of Asian workers. The response proposed by the newspapers reflected both the American tradition of violence toward minorities as well as the cultural fears bred in generations of Europeans by the turbulent events of the 13th Century in Russia and Central Europe.

The newly organized Tacoma Knights of Labor initiated the anti-Chinese movement by targeting labor's grievances against the lower paid Asians. These newly organized unions, however, provided little strategic direction to the anti-Chinese movement. On the other hand, there is clear evidence that the ultimately successful Chinese exclusion movement was chiefly the work of two newspapers, the morning Tacoma *Ledger* and the evening Tacoma *News*. The Oregonian in a September 30, 1885 editorial said:

> The press at Puget Sound is largely responsible for the present situation. It has not spoken with promptitude and force against this demonstration of ruffianly madness. It has not appealed to the best public sentiments to rise up in condemnation of disorder, injustice and violence. A press that is not strong enough to be courageous or courageous enough to be strong can render a community no real service.[9]

Even more conclusive is the fact that the Federal Grand Jury included in its indictments of the Tacoma conspirators George R. Epperson, editor, the Tacoma *News*; H. C, Patrick, Epperson's predecessor; and Jack A. Comerford, editor of the Tacoma *Ledger*. The three newspapermen were among 27 Tacoma residents accused of conspiracy and insurrection against the United States for their roles in enforcing the departure of the last of Tacoma's once thriving Chinese community on November 3, 1885.[10]

CALIFORNIA AS A MODEL

Anti-Chinese violence was endemic on the Pacific Coast, beginning with the appearance of the Chinese in 1849 in the California Gold Rush. Claims of Chinese miners were jumped by Caucasians, sluice boxes robbed and the Chinese beaten and hanged. The nationwide depression of the 1870s made the Chinese an even more obvious target. Mobs looted and burned Chinese homes and businesses in San Francisco in July 1877.

The outbreak gave birth to the Workingman's Party, led by Dennis Kearny, which had as its goal the exclusion of Chinese from the United States.[11] So strong were the outcries against Chinese immigration that the Burlingame Treaty permitting it was renegotiated in 1880. Democrats generally saw the issue as protection of American labor; Republicans tended to take a pro-Chinese view because of their allegiance to business, which employed Chinese, and their involvement in trade with the Orient. Congress, however, passed and President Chester Arthur subsequently signed the Chinese Restriction Act of 1882, banning all new Chinese laborers for 10 years.[12]

In Tacoma, then a port, sawmill and railroad center on south Puget Sound that liked to call itself "The City Of Destiny," the Chinese issue remained quiet until 1884.[13] The bulk of the Chinese in the Pacific Northwest came into the area as contract laborers on the Northern Pacific Railroad. When the railroad was completed as far as Portland and Tacoma in 1883, the Chinese drifted into the Northwest's cities looking for work.[14] Tacoma's population of 6,936 included about 700 Chinese, whose shanties were located on tide land leased from the Northern Pacific.[15]

The Chinese in Tacoma operated laundries, truck gardens, small stores or were employed in hotels, restaurants and as domestic servants. Some also worked in saw mills and salmon canneries or in the region's coal mines. At harvest time, the Chinese also labored in the hop fields of the nearby Puyallup Valley.[16]

The Chinese in Tacoma were a convenient minority in many ways. A substantial number were aliens illegally residing in the United States, and hence could claim no protection of the law. Most had limited facility speaking or writing English. So the Chinese had difficulty in understanding the campaign against them by Tacoma's two daily newspapers and in defending themselves.

Chinese competition with Caucasians for unskilled jobs in Tacoma became an open issue in March 1884 when nationwide unemployment was at its peak. The immediate catalyst was the hiring of Chinese on a water main project. A Workingman's Union, with objectives parallel to the similarly named anti-Chinese group in California, was formed and quickly forced the water company to fire the Chinese.

The Workingman's Union was also successful in electing a Prussian-born grocery man, R. Jacob Weisbach, Tacoma's mayor on an anti-Chinese platform in the city's May 1884 elections.[17] Weisbach had been imprisoned in Germany for his youthful anarchist writings. Later he was a resident of China for six years.[18] A mass meeting called by Mayor Weisbach February 21, 1885, passed anti-Chinese resolutions urging a boycott of any business or individual who employed Chinese or leased property to them. The object of this boycott was the exclusion of the Chinese from Tacoma.[19]

Both of Tacoma's daily newspapers were outspoken advocates of Chinese exclusion. The *Ledger*, the five-year-old morning Republican paper, claimed to have inaugurated the anti-Chinese movement. The paper had been founded by and was still owned by Randolph F. Radebaugh, a former San Francisco *Chronicle* staff member. John A. Comerford, the *Ledger* editor, was a tireless opponent of the Chinese and a favored orator at anti-Chinese mass meetings. The Tacoma Daily *News*, started as an evening paper two years after the *Ledger*, leaned toward the Democratic position. H. C. Patrick, publisher of the *News* until September 1, 1885, and George R. Epperson, the subsequent owner, were both members of Tacoma's anti-Chinese committees.

"THE CHINESE WILL GO!"[20]

The anti-Chinese movement was an amalgam of individuals and groups proclaiming conflicting ideologies. Momentarily, they were united by the newspapers in forcing Chinese laborers from Tacoma. For the two Tacoma dailies it was an agenda building task of major proportions. The efforts of both newspapers reached the peak of their Chinese news coverage in October 1885; the *News* carried 209 separate items about the Chinese in America--better than six a day--while the *Ledger* carried 158.[21] In an era when the distinctions between opinion and news were often blurred, both newspapers intermingled indiscriminately letters to the editor, news stories expressing a viewpoint and editorial comment on the Chinese exclusion movement with occasional objective reporting.

Two events triggered Tacoma's 1885 Chinese exclusion movement. The first was an attack on Chinese laborers by foreign-born whites at the Union Pacific's Rock Springs, Wyoming, coal camp. Twenty-eight Chinese died and 15 were wounded.[22] Closer to Tacoma was the random killing of three Chinese hop pickers encamped at Squak Valley (Issaquah) in Washington's King County by white men aided by Indians.[23] The Chinese laborers at Issaquah had been supplied to a hop farm by Wa Chong, a Seattle labor contractor. This pattern of contract labor became a significant issue for the Tacoma Chinese exclusionists.

Mayor Weisbach in a letter to the *News* employed the symbolism of European values when he pointed out that Central Asia was the starting point for destructive incursions into Europe:

> From the first dawn of history, whenever these swarthy hordes of middle Asia have swarmed south and west from their bleak plains, destruction has marked their pathway, blighting national and individual happiness, blotting out every vestige of the arts and sciences of civilization . . .[24]

Weisbach went on to argue that the Chinese in Tacoma were essentially slaves by virtue of the labor contracts signed by them in their homeland. The Federal government, Weisbach claimed, ". . . has permitted Chinese laws to be enforced on our free soil, slavery to be introduced . . . and a foreign government to rule over imported slaves."[25] The *Ledger* argued that the labor contract bound the entire family of the laborer to its performance. Any member of the family would be arrested and imprisoned in China if the coolie failed to faithfully perform his duties.[26]

Slavery in 1885 was a symbolic issue familiar to Americans. The projection of foreign slavery into the United States caught the attention and interest of readers. The references to slavery, however rhetorical, stirred memories of both the abolition movement and the civil war. These wage slaves were thrifty. Though paid less than Americans or newly arrived Europeans, their thrift was legendary. The jobs they filled, such as hop pickers, railroad section hands or coal pickers, yielded from 60 cents to $1 a day. To stretch these meager wages Chinese workers lived together, sharing rice and tea from communal bowls.

Another letter to the editor in the *News*, lifted from the Seattle *Post-Intelligencer*, spelled out the financial consequences of employing Chinese labor:

> There are one thousand Chinamen constantly employed in Seattle and King County, whose average wages at $1 per day each, aggregate $26,000 per month, or $312,000 per annum. Three hundred twelve thousand dollars of American coin are annually being taken from the circulating specie of Seattle and vicinity, shipped to China and there recoined. None of this money ever finds its way back to either the United States or the Pacific Coast. It is the business of the Six Companies to import Asiatic coolies, and to degrade the American

> laborer until he is on an equal with 400,000,000 almond-eyed pig tails across the Pacific Ocean.[27]

Employers, however, were pleased with the way Chinese worked long and hard with few complaints. The *News* emphasized the unfair advantage Chinese vegetable peddlers had over Caucasians. The Chinese sold door to door from baskets on poles that carried an average of 250 pounds. By avoiding the use of a horse and wagon, the Chinese undersold their Caucasian competition.[28] These news reports stirred the economic symbolism of the Chinese as obedient, docile workers in contrast to independent Americans.

A report from Victoria, British Columbia, reprinted in the *News*, detailed vividly the health consequences of the Chinese. The Chinese tenements were so foul smelling as ". . .to prove the origin and distributor of pestilance[sic] and death." The Victoria sanitary committee also reported the presence of leprosy in its most appalling form among the Chinese, including "one unfortunate Chinaman whose feet were rotted off. . ."[29] Equally graphic was the News description of a Chinese enterprise in San Francisco which shipped the rendered bones of Chinese laborers to their final resting place in China.[30]

The cultural differences between Chinese and American labor became the heart of the argument for Tacoma's Chinese exclusionists. Even the question of Federal enforcement of the ban on the continued immigration of Chinese laborers became a subordinate issue. Both the *News* and the *Ledger* rejoiced when the Dominion Parliament amended the Canadian

Chinese restriction act to impose a $50 head tax on every Chinese entering Canada. But the consequences of enforcing the act were unproductive so far as Tacoma's Chinese exclusionists were concerned. Sixteen US-bound Chinese, rescued from an island in Puget Sound where they had been abandoned by smugglers, were refused re-entry into Canada when neither they nor the accompanying US Marshals were able to pay the head tax. The marshals took them off to the Federal Penitentiary near Tacoma for safekeeping.[31]

It was enough that many Chinese reached Washington Territory as illegal aliens; it was their deliberate flaunting of a Chinese life style, portrayed symbolically in the newspapers, that aroused the emotions of Sinophobes. In addition to their obnoxious habits of hard work and thrift, the Chinese brought crowded housing, poor sanitation, disease, crime and exotic cultural practices to a frontier community such as Tacoma. Chinese housing, built from scraps of lumber and other materials, was a major target of both newspapers. Overcrowding was common. Tacoma, like Seattle and San Francisco, periodically enforced a cubic air ordinance. This required at least eight feet by eight feet by eight feet or 512 cubic feet in sleeping quarters for each adult.[32] Tacoma police conducted raids of Chinese quarters, arresting violators, who were thereupon fined.

Sanitation in Tacoma's Chinatown was no worse than it was elsewhere in town. A single sewer served the city's business district; most homes had outhouses. Tacoma's Chinese kept pigs, chickens, ducks and geese around their shacks, feeding them garbage from the town's restaurants and boarding houses. The *Ledger*, however, worried about drainage from Chinese laundries threatening typhoid or malaria as well as being odorous.[33]

Chinese arrests for gambling as well as for smuggling or smoking opium were reported regularly in the Tacoma newspapers whether the event was local or occurred elsewhere on the Pacific Coast. Describing San Francisco's Chinatown, the *News* declared that of 1385 Chinese women there, 1342 are prostitutes. "With them [Chinese] gambling is a passion. Within the twelve blocks are no less than 150 gambling dens, while opium dens abound."[34] That opium should be smoked rather than sold as an over the counter home medicine was a cultural deviation Americans found difficult to understand.

Chinese morals, the *News* declared, in an editorial were less than Puritan:

> The coolies are natural thieves. They have no more moral law than the figures in a wax-works show; and will steal anything that is not too heavy to lift or too hot to hold. They are honest on the surface just so long as self-interest teaches them to restrain their tendencies . . .[35]

The criminal tendencies of Chinese were strongly suggested in other news stories from San Francisco. These reported that Chinese families had been found with Caucasian infants in their homes.

> Another white baby--the twenty-sixth found in San Francisco in the possession of Chinese foster parents--was discovered a few days ago in a Chinese lodging house. The foster parents stated that the child, now two years old, had cost them originally $100 . . . on this coast

> the greedy Chinaman [sic] kidnaps or buys and raises up American babes to be sold in China to the rich mandarins to gratify their brute propensities.[36]

The *News* three months later declared that two more American babies had been found with Chinese families in San Francisco.[37] The symbolism of the Godless Chinese, indulging themselves in immoral pursuits offensive to Americans, is reflected in these kinds of news reports.

The *News*, in an exchange from the San Francisco *Chronicle*, shocked readers by revealing American women and Chinese men worked together in cigar-making shops.

> White girls enter at the same door as the Chinese, work in the same room, sit almost indiscriminately at the same benches and tables, necessitating frequent intercourse . . . Many of the girls in the shops where Chinese are employed have acquired the habit of smoking cigarettes, and it is said that in every case they have been taught to smoke by their Mongolian fellow laborers.[38]

A *Ledger* story from Tacoma, however, cast an innocent Chinese seeking medical treatment as the victim of an experiment by two local doctors. The *Ledger* called it "a good joke" on the unsuspecting Chinese. The doctors had developed an improved stomach pump, and needed a test subject. When a Chinese patient sought treatment for an injured foot, the two doctors convinced him that pumping his stomach first was necessary. After a struggle in which the bewildered Chinese fainted, "The pump was pronounced a marvel of success, the Chinaman resuscitated, his foot dressed, a proffered fee declined and the experiment came to a close with everybody happy."[39]

"THE CHINESE ARE GOING!"

Newspaper denunciations of the Chinese rose to a crescendo in late September 1885. A mass meeting called by Tacoma's Committee of Fifteen--a euphemism for the Chinese exclusionists--met in the city's largest auditorium September 25 to select delegates to a Puget Sound Anti-Chinese Congress on September 28. The Congress in Seattle elected Tacoma Mayor Weisbach its president. It also passed resolutions calling for all the cities represented to notify Chinese residents to leave Washington Territory by November 1. Committees were to warn employers to fire Chinese workers before that date.[40]

October brought the tramp of marching feet to Tacoma streets, fireworks, bonfires, the music of brass bands and the oratory of mass meeting speakers. The *Ledger* reported "A large torchlight procession . . . with 500 people in line and a hundred torches burning, headed by a large brass band."[41] The crowd poured into the Alpha Opera House at parade's end to hear the movement's leaders speak. One speaker compared the date of the Puget Sound Anti-Chinese Congress to the ". . . the Fourth of July as a day long to be remembered." Another summoned up the memory of the martyred abolitionist editor, Elijah Lovejoy, to shout, "Slavery has gone and coolie slavery shall go, too."[42]

Opposition to the Chinese exclusion was ridiculed and satirized in the *Ledger* and the *News*. A Tacoma minister in a letter to the editor of the *Oregonian* pointed out the

Tacoma newspapers exaggerated the numbers involved in the anti-Chinese processions. Instead of 500, there were at most 325, including many children. "The writer says: 'I had an excellent view of the parade and counted every man . . . I heard all manner of ridicule from onlookers."[43] The *News* quickly identified the *Oregonian's* informant and demanded an apology on behalf of offended Tacomans.[44]

Another Tacoma minister, who tried to preach against the Chinese expulsion, saw many members of his congregation walk out midway in his sermon. "Go! Go! I will preach on till [sic] the benches are empty," he called after the objectors, according to the *Ledger*.[45]

The most vocal of those supporting the Chinese was Ezra Meeker, Puyallup hop grower and wagon train pioneer. Meeker appealed to Tacomans to reject the Committee of Fifteen's demand that all Chinese leave the Territory by November 1. He wrote to the *Ledger*:

> We are either drifting into lawlessness and anarchy, or into the ludicrous position of a bully making threats not intended to be enforced. In either case, we are doing great harm, not only justifying the sneers of our neighbors, but deserving the contempt already bestowed upon us as a community.[46]

Meeker decried the Committee's refusal to answer his question in a second letter to the *News*. ". . . [I]f the Chinamen will not go on the 3rd of November, then what are you going to do about it? Are you going to justify the use of force?"[47] Meeker's question was a worrisome one for many. Though the Tacoma anti-Chinese committee talked of peaceful measures, there was an undercurrent of intimidation and violence about such activities. At Coal Creek (Bellevue) in King County, a band of masked men firing pistols frightened 50 Chinese into fleeing into the woods. The attackers then burned down the Chinese bunkhouse.[48] At Black Diamond, a similar episode a few days later resulted in an exodus of Chinese by train to Seattle.[49]

Ineffective though it may have been, the Chinese tried to ward off the storm overtaking them. A cook at the San Francisco Chop House entertained members of both the anti-Chinese and pro-Chinese factions at an extravagant dinner early in 1885. When the cook's discharge came in October, the *News* quoted him as saying, "Joe, me hate to leave you so velly bad, great trouble in Tacoma, him boil over soon and many come back. You heap sabbe? White man him make China boy go, he catchee no more clean shirts."[50]

A more effective spokesman for Tacoma's Chinese was Sun Chong, a merchant. Chong first approached an attorney and then arranged an interview with Mayor Weisbach. The *Ledger* reported both meetings at some length. Chong sought a settlement of $2500 on fixtures and goods the Chinese would be forced to abandon. In addition, he asked for at least 30 days notice so that shopkeepers could collect debts owing them. "'I feel confident,' said Mayor Weisbach, 'that we can raise the money to pay the Chinamen for their property if they will take a reasonable price, the payment of same to be conditional upon their going.'"[51] The next day the City

Attorney warned Weisbach that the city's charter made no provision for indemnities to excluded groups.[52]

As aliens in a strange Western world, the Chinese emerge from the pages of the *News* and the *Ledger* as both vocal and assertive. Symbolically, these accounts strengthened the cultural gap between Americans and Chinese.

> As a servant he is as a rule offensively imperious, self-willed and impudent, if he is permitted the least latitude. They crowd us more than they are crowded. Their rudeness takes many shapes. They will occupy the best seats on car and steamboat, and practice none of the politeness in a crowd common among white men. In entering or quitting cars they trample upon women without apology and children without mercy. They take the dry part of the sidewalk and leave to other people the mud.[53]

As the Chinese departure deadline neared both Tacoma newspapers demanded community unanimity. At the *Ledger* a shakeup resulted when Radebaugh, the publisher, returned from an extended eastern trip to find Comerford, his editor, had joined forces with the *News* in the anti-Chinese movement. Radebaugh's Republican instincts were outraged to find his editor acting in concert with its rival Democratic daily. A few days in Tacoma and a visit from the Committee of Fifteen with the threat of an advertising boycott of the *Ledger* quickly restored Radebaugh's vision.[54] Comerford resigned, however, before the Committee's visit, and promptly assumed the role of the anti-Chinese movement's martyr. As a speaker before a mass meeting after his resignation, Comerford declared, Tacoma's effort to exclude the Chinese was a "revolution." "It is one which must be settled within twenty days, or we must surrender to Asia and the encroachments of the Asiatics."[55]

More and more Chinese fled Tacoma as the deadline approached. Alerted by the torchlight processions and fired from their jobs, the Chinese departed Tacoma by ship or train. Some simply followed the Northern Pacific rails south toward Portland. The Tacoma Committee of Fifteen shrewdly waited the outcome of the Seattle trial of the ringleader responsible for the September murders of three Chinese at Squak Valley (Issaquah). On November 2, the King County jury retired for an obligatory five minutes and then returned with the expected "not guilty" verdict.[56]

"GONE"

At 9:30 a.m. November 3 the sudden shriek of factory whistles summoned a 500-man force of vigilantes into Tacoma streets. The *Ledger* captured the flavor of the day with a literary news report. "Soon there were about 500 men in solid array, marching up the avenue, the sidewalks resounding with the tramp, tramp, tramp of many feet."[57] The men marched first on Chinatown, and then scattered out over the entire city. They warned Chinese to pack their belongings, and be ready to leave that afternoon. Protesters among the Chinese found themselves aided in their packing by teams of Caucasians. "Many drays and teams of all descriptions were called into service, and the bundles soon loaded."[58] At 4 p.m. a straggling procession of 197 Chinese, escorted by some 40 Tacoma citizens, set out through a brisk rain for the Lakeview station on the Northern Pacific about nine miles from Tacoma.

The *News* account of the exodus also leaned on the techniques of literary journalism. "To all appearances on yesterday morning there were not 30 Chinamen in the city, but when the houses were invaded some of them were found literally crowded. They were packed together like so many swine."[59] The *News* reported only two instances that came close to violence.

> . . .[A] Chinaman struck in the face a man nearly twice his size. The assailed simply turned the other cheek, so to speak. A Chinese woman in another place pointed a loaded revolver in the face one of the party. Before she had time to pull the trigger, the weapon was wrenched from her hand.[60]

At the Lakeview station, the Chinese spent an uncomfortable night guarded by the Committee of Fifteen. Everyone of them, the *News* reported, took the morning train for Portland, " . . . and they are now under the protecting wing of their organ, the Oregonian."[61]

The expulsion of the Chinese from Tacoma brought a triumphant conclusion to the campaign. The literary journalism of the *News* and *Ledger* had created the Chinese problem to explain the city's economic malaise and then laid out a scenario for the problem's solution. It was a solution, however, that was not shared by the rest of the nation. Instead of enjoying the plaudits of America for their "peaceful" removal of the Chinese, Tacoma residents were ridiculed and the expulsion's leadership indicted as criminals.

The Portland *Oregonian* editorialized:

> The outrage at Tacoma upon the Chinese is worse in one respect than the plain murders in Wyoming. It is more cowardly. The people who did the act at Tacoma would do the act of Rock Springs, if they were not afraid.[62]

The New York *Commercial Bulletin* compared Tacoma's expulsion of the Chinese to the banning of the Jews and Moors from Spain or the Huguenots from France. "The Chinese have been driven out of Tacoma by methods that would disgrace barbarians. . . . Such a thing could not be possible in any community governed by the principles of justice and civilization."[63] The New York *Herald* posed the question: "What redress shall the hundreds of unoffending Chinese, who have been plundered and exiled, have, and what punishment also shall be meted out to the murderers and robbers?"64

The New York *Post* suspected the news reports from Tacoma had been sanitized by the Committee of Fifteen. "There is abundant evidence that Chinese were dragged from their houses, cuffed, kicked and beaten, and then driven from the city in a cold rain while their homes were burned by the mob."[65] The Chicago *Tribune* questioned threats against Tacoma ministers who had defied the Chinese exclusionists. ". . . [A] committee has notified four ministers of the place to leave. The offence of these ministers was that they had talked against the recent expulsion of the Chinese from Tacoma."[66]

CONCLUSIONS

Literary journalism in the Tacoma newspapers played a critical role in driving the Chinese from that city in 1885.

Immersion was created by the agenda setting tactics of both the *Ledger* and the *News*. The Chinese were the subject of 369 items in the two newspapers in single month. Both editors worked hard at finding some new aspect of the Chinese problem either as news, as editorial comment, as a letter to the editor or from a exchange item lifted from another newspaper. Opponents of exclusion themselves contributed to the process by attacking the anti-Chinese arguments only to see responses that ridiculed their arguments and attacked them as "Mongolian lovers."[67]

The voice with which the *Ledger* and the *News* addressed the Chinese question was consistent. It was a story-telling style that employed cultural, racial, economic and political symbolism. The substance and the tone of the literary journalism that created the anti-Chinese movement in Tacoma included a vocabulary of racial cliches and stereotypes. Chinese immigrants entered the United States in "hordes." They were expected to "overrun" the Pacific Coast as well as Canada.

They "huddled" in their shacks, subsisting on a "handful of rice daily." They "monopolized" the menial jobs available to them. The epithet "heathen" was flung at them at a time when Christianity offered an expansive missionary presence around the world.

Individually, the Chinese were both "cunning" and "insolent" in their relationships with Caucasians. Their personal habits were "filthy," their customs "disgusting" and their morals "degraded." The Chinese "hoarded" their wages, and also indulged in the "loathsome" habit of smoking opium. This at a time when opium and its derivatives were available to Americans as a home remedy or used as a frequent ingredient in patent medicine. Running through this commentary was a hint of intimidation or violence should the Chinese be so foolish as to reject the opportunity to abandon their jobs and homes.

Tacoma's literary journalists supplied a rich symbolism with almost every argument for Chinese exclusion. For example, the Chinese as single males in America suggested that they competed unfairly with native laborers devoted to and supporting families. The Chinese as non-Christians became symbols of dishonesty, vice and drug addiction.

Nor did the Chinese rate high on the positive scale of community symbolism which included such traits as adherence to or support of community institutions, education, government or economic development. The loaded language of the literary journalists of the *Ledger* and the *News* defined the Chinese as Tacoma's problem. Literary journalism also supplied the problem's solution. Once harnessed to exclusion, Tacoma's newspapers looked only for the means of accomplishment rather than for alternatives. The emotional content of literary journalism was never balanced with factual information despite its obvious absence to the Oregonian, then the most respected newspaper in the Pacific Northwest. In this case history, at least, the story-telling techniques of literary journalism used factual observations of alien casual laborers to create a fiction that engendered a cry for ethnic cleansing rather than a different interpretation of reality.

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NOTES

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3. See Tom Wolfe, *The New Journalism*, (New York: Harper and Row, 1973)
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16. Art Chin, *Golden Tassels,* (Seattle: Art Chin, 1977), p. 49-50.
17. Karlin, p. 271
18. Murray Morgan, *Puget's Sound,* (Seattle, University of Washington Press, 1979), p. 218.
19. Karlin, p. 273,
20. These and subsequent sub heads are headlines from Tacoma *Ledger* reports of the exclusion movement's progress.
21. Author's tabulation.
22. Bailey, p. 396.
23. Tacoma News, September 11, 1885.
24. *Ibid.*, October 17, 1885.
25. *Ibid.*
26. Tacoma *Ledger*, July 14, 1885.
27. Tacoma *News*, September 21, 1885.
28. *Ibid.*, October 20, 1885.
29. *Ibid.*, October 5, 1885.
30. *Ibid.*, September 18, 1885.
31. *Ibid.*, September 4, 1885.

32. Chin., p. 51.
33. Tacoma *Ledger*, July 8, 1885.
34. Tacoma *News*, October 15, 1885.
35. *Ibid.*, November 7, 1885.
36. Tacoma *Ledger*, July 25, 1885.
37. Tacoma *News*, October 30, 1885.
38. *Ibid.*, October 30, 1885.
39. Tacoma *Ledger*, July 15, 1885.
40. Karlin, p. 274.
41. Tacoma *Ledger*, October 4, 1885.
42. *Ibid.*
43. The [Portland] *Oregonian*, October 9, 1885.
44. Tacoma *News*, October 15, 1885.
45. Tacoma *Ledger*, October 13, 1885.
46. *Ibid.*, October 6, 1885.
47. Tacoma *News*, October 8, 1885.
48. *Ibid.*, September 14, 1885.
49. *Ibid.*, September 22, 1885.
50. *Ibid.*, October 12, 1885.
51. Tacoma *Ledger*, October 3, 1885.
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54. Herbert Hunt, *Tacoma, Its History and Its Builders,* (Chicago: S. J. Clarke Publishing Co., 1916), p. 369.
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63. As quoted in The Portland *Oregonian*, November 4, 1885.
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OVER

American Crime and Trial Pamphlets After the Penny Press

By James L. Aucoin
Ph.D. Candidate
University of Missouri-Columbia
School of Journalism

Presented to the 11th Annual Conference,
American Journalism Historians Association,
Lawrence, Kan., October 1992

Abstract

American Crime Pamphlets after the Penny Press

Mass media historians have argued that the pamphlet as a news medium was eliminated by the emergence of the penny press in America during the 1830s. However, a study of American crime and trial pamphlets in the Lawson Collection at the University of Missouri School of Law reveals otherwise. A descriptive evaluation of a random sample of the 603 pamphlets in the collection found that American crime and trial pamphlets of the post-penny press era in the late 19th Century retained the characteristics of pamphlets from the pre-penny press era described by other researchers. They usually reported on a single spectacular crime, usually a murder involving a woman or a suspect whose guilt was in question; they carried confessions of killers who warned of the dangers of a life of crime; they were illustrated with lurid woodcuts; they were highly journalistic in that they were issued as soon after the event as possible and often included direct observations by the reporter. Often, newspapers themselves issued pamphlets to broaden their audience base. The pamphlets lasted vigorously into the later decades of the 19th Century and into the early decades of the 20th Century. Their demise as a mass medium more likely came from the rapid growth of a more direct competitor -- the paperback book industry.

American Crime and Trial Pamphlets After the Penny Press

News pamphlets were mass news media hundreds of years before the newspaper or magazine.[1] Characterized by concentration on a single news event, they were issued beginning in 1508, when pamphlets reported the wedding of an English princess -- the daughter of Henry VII and Elizabeth -- for English subjects hungry for the news but unreachable by the common news media of the day, handwritten correspondence and newsletters.[2] Quickly, they became primary news media for the masses, concentrating on sensational news that could garner the attention of the buying public.[3] Thus, their subject matter usually tended toward politics, religion, royal weddings and, frequently, extraordinary murders and other high crimes.

In fact, the primary means of disseminating substantial news about sensational crimes even after newspapers and periodicals appeared in the 1600s continued to be pamphlets for at least another two centuries. Broadsheets -- single sheets of news about a crime or execution -- were popular, but space limitations prevented them from presenting detailed coverage capable of meeting the information demands of a curious public, and they were usually poorly reported, resulting in a lack of credibility.[4] News pamphlets filled the demand.

Peterson says it is unlikely that crime pamphlets appeared in any mass quantities until the middle of the 17th Century and reached their heyday between the mid-1700s and the mid-1800s, when newspapers and magazines began publishing more crime news.[5] Peterson and other researchers conclude, moreover, that crime pamphlets were driven out of the marketplace in the mid-1800s by the so-called penny papers that catered to a mass audience by lowering the price of newspapers and seeking human interest stories to fill their columns. And as James Gordon Bennett discovered at The New York Herald in the 1830s, few stories contained human interest like crime stories -- particularly brutal murders.[6]

However, if Peterson and others are correct in this assessment, there would have been few crime pamphlets published in the decades after 1831, the year Benjamin Day founded what is considered the first penny paper in New York, The Sun. But a review of crime and trial pamphlets in the Lawson collection at the University of Missouri-Columbia Law Library (many of which are also in collections at Harvard University and New York University) suggests another perspective. It is the intent here to show that publication of crime pamphlets remained a vigorous enterprise -- one in which even newspapers of mid- to late 1800s were actively involved --into the 20th Century. And an alternative explanation for the demise of the crime pamphlet -- that it resulted from competition by the paperback book publishing industry rather than the newspaper industry -- is examined.

Literature Review

Others have analyzed the functions, motives and themes of the crime pamphlet. Peterson, Emery, Chibnall, Leonard, and Stephens conclude that the pamphlets met the demand of the public for crime news; that publishers issued them to make a profit and, sometimes, to argue a cause; and that the pamphlets served a social control function by warning of the wages of crime, drunkenness, and lust.[7] The themes, these researchers point out, were often murder (often with a woman as the victim or the suspect), political intrigue, sexual scandal, or -- less frequently -- property crimes such as highway robbery. And if a case had two or three of these characteristics, such as the murder of Sir Thomas Overbury, arranged by the countess of Essex and her illicit paramour Sir Robert Carr in 1613, it was popular indeed. This case, for example, resulted in at least 15 different pamphlets, broadsides and newsbooks.[8] This paper accepts these observations as valid and does not attempt to duplicate them other than to show that late 19th Century American crime pamphlets share these same characteristics, themes, functions, and motives.

However, these and other conclusions about the American crime pamphlet have traditionally been drawn mainly from studies of English pamphlets. Few researchers have looked specifically at American crime pamphlets and all draw on the English studies for their conclusions. Peterson's 1945 study and Chibnall's 1980 investigation are both based on English materials. Peterson looked at crime pamphlets in a London collection, concluding that they were published to meet a tremendous popular demand that the newspapers of the time could not meet because of space limitations.[9] "By the eve of the present century, [the crime pamphlet industry] was all but dead," Peterson reports, pointing out that the latest date found on a pamphlet in the London collection is 1887. He surmises that the pamphlet industry was killed by "the growth of the daily press, an increased tempo of everyday life, [and] a broadening of interests in the common man." He concludes that the function of the crime pamphlet was taken over by "the true detective story magazine, the Sunday supplement, the tabloid, and papers such as the London News of the World."[10]

Chibnall draws upon Peterson's research and his own to reach a similar conclusion. Studying English crime pamphlets, he argues that they appeared as early as the mid-16th Century, approximately 75 years before introduction of the newspaper in 1622. He agrees with Peterson, though, that newspapers paid scant attention to crime for a number of years, but when they did start appealing to the masses and discovered that crime news drew readers, they drove out the crime pamphlet.[11]

Mass communication historian Edwin Emery also agrees. "By 1815, the day of the pamphlet had very nearly passed," he writes, concluding that the press replaced pamphlets in the marketplace.[12]

Leonard maintains that newspaper publishers "would not ruin the sales of broadsides and pamphlets by putting a good crime story in a newspaper" prior to establishment of the penny press.[13] He continues:

> The logic of incorporating this popular street literature into newspapers was not widely recognized until the Jackson era. The expensive subscription papers found a place for court reports by 1830, while in the middle of that decade an explosion of 'penny papers' that were hawked in the street brought notice of seductions and bloodshed to the humblest citizens. . . . By the end of the 1830s, crime news had escaped from the broadsides [and pamphlets].[14]

Methodology

This paper looks at the entire Lawson collection for general observations and a random sample of the collection for more detailed study and descriptive interpretation. The collection, compiled by former M.U. law school dean John Davidson Lawson, contains 603 books and pamphlets published between 1790 and 1919. The index to the collection was content-analyzed to determine titles, authorship, date of publication, publisher, and subject matter. A random sample of 30 news pamphlets was selected.[15] Each was reviewed for subject matter, authorship, publisher, date of crime, date of trial, date of publication, theme, narrative style, illustrations, advertising, statements made by the author(s) or publisher, and characteristics that allude to motive or social function.

The terms "pamphlet" and "newsbook" are often used interchangeably, and in practical terms there is little to distinguish them.[16] One normally thinks of a pamphlet being of fewer pages and without binding. However, it is not possible to quantify what "fewer pages" would mean -- surely, some 19th Century pamphlets ran 100 pages or more and some books had fewer than 20 pages.

For the purposes of this study, "news" pamphlets are defined as unbound paperback publications of quarto size that report on a single news event and were published for a general audience in a timely fashion -- within one year from the date of the event reported.[17] The study also is limited to those pamphlets that report on an American crime, American criminal or civil trial, or punishment by American courts of a convicted person.

Results

The Lawson collection consists of 603 pamphlets and books relating to law -- reports of crimes, criminal and civil trials, confessions, and impeachment proceedings. Seventy-eight were published during the 1850s, 75 during the 1860s, 82 during the 1870s, 51 during the 1880s, 36 during the 1890s, 21 during the 1900s, and 13 during the 1910s.

More than 70 percent of the collection was published from 1840 to 1910.

There are 514 individual cases represented, with several of the more sensational cases being reported in more than one pamphlet and by more than one publisher.[18] The trial of Ephraim K. Avery in 1833, for example, is the subject of seven pamphlets in the collection, including two by the Boston Daily Commercial Gazette, which issued one pamphlet on the evidence introduced at trial immediately after testimony concluded and one a few days later after closing arguments by the attorneys were available and a verdict was reached. Avery, a minister, stood accused of murdering a young Rhode Island woman with whom he had been having an affair. Another of the seven pamphlets was reported by an attorney hired to attend the trial by a commercial Boston publisher. A New York publisher hired a law reporter to cover the trial for another pamphlet, and a Rhode Island publisher issued a pamphlet compiled from the notes of the prosecutor. The remaining two pamphlets were issued, respectively, by the Providence (R.I.) Herald and a second New York publisher.

Most of the pamphlets covering trials offer verbatim transcripts or summarized, chronological transcripts of testimony and arguments by counsel. The reporting usually involved the use of shorthand, or the reporter gained access to notes kept by the attorneys. In a few instances, reporters used phonographs to record the testimony. In the

Avery case, editors at the Boston Daily Advocate inserted a note in one of the pamphlets describing the efforts to which their reporter, Benjamin F. Hallett, went to transcribe the testimony he had noted in shorthand and then to rush it to the Advocate's office over telegraph lines so that the case could be reported in timely fashion.

Some of the pamphlets were clearly meant for lawyers, but most of them were published with a larger popular audience in mind. Those in the latter category usually were decorated with elaborate, sensationalized covers (some of the later ones even contained portraits of the accused or of the victim on the cover) and included reportage concerning background of the crime and the key figures in the case and observations about those who attended the trial. Reporting on the trial of Elizabeth G. Wharton, a socialite accused of the 1872 poisoning death of a family friend, Gen. W.W. Ketchum, the Baltimore Gazette included a reporter's account of Mrs. Wharton's transportation by authorities from a county jail in Maryland to Annapolis by train and ship on the morning her trial was to begin. During the ride, the report asserts, Mrs. Wharton's spirits "seemed better than at any time since her arrest." Readers are told that she "evidently" enjoyed the view of the bay and the topics on which she conversed ("ordinary subjects of the day's news"). The reporter notes that the courtroom was crowded with spectators, including "many of the most prominent citizens of Annapolis." Unfortunately, the reporter asserts, the trial proved to be "a decided bore."

The pamphlets often included likenesses of the defendant, the victim, and on at least one occasion, the attorneys involved. Some included woodcuts depicting scenes of the murder in progress or the house or building where the crime occurred. Others made use of maps or diagrams to illustrate the scene of the crime or the route of the murderer's escape.

Some of the pamphlets were subsidized by advertisements, which usually appeared on the last page or pages. A pamphlet detailing the trial of two men accused of robbing a bank includes one ad from the Pinkerton Agency -- which offered security guards and detective work -- and one from the manufacturer of the Yale time lock -- "The only positively automatic time lock . . . in use by over 800 banks." Another publisher of a pamphlet reporting the trial of a highwayman used the back page to place a house ad offering a series of novels about highwaymen. One pamphlet contained common newspaper ads for cobblers, insurance agents, and other proprietors.

The pamphlets were usually sold for a quarter, according to prices listed on some of the pamphlets and in advertisements for such pamphlets. One from Maryville, Mo., sold for 50 cents. (Newspapers of the time were selling for one to six cents an issue.) Many of the pamphlets ran two or more editions. A 32-page, 1857 pamphlet detailing the trial, confession, and execution of an Ohio man accused of murdering his wife ran at least three editions and reportedly sold 19,000 copies in the first two editions.

The primary motive for publication of the pamphlets was undoubtedly profit, though none of the publishers touted this. When they gave a reason, it was usually that they simply had the interests of the readers at heart -- either their entertainment or their moral instruction. In a note to the public in a pamphlet about the Avery case, for example, it is asserted that the pamphlet's publishers "had no other object in view, but that of giving in a cheap form the substance of the testimony adduced at the examination of the Rev[erend]." And the publisher of a pamphlet about a triple murderer insisted that it was being offered "to satisfy curiosity" in the community and "as a warning to others" not to follow a life of liquor and crime. In reporting an 1844 treason trial, the Providence (R.I.) Republican Herald asserted in a preface that publication was necessary because of "the many obvious defects and inaccuracies of former reports in partizan [sic] newspapers and pamphlets" as well as the demand of the public for more information about the trial. Other pamphlets were issued to argue the defense of an accused or to raise funds for a widow of a condemned killer or victim. The 1874 pamphlet concerning Susan B. Anthony's Rochester, N.Y., trial on a charge of illegal voting is an obvious example of the former. The 1896 pamphlet about murderer Walter Scott of

Iowa was purportedly written by his wife and published to raise funds to support her and her children after the execution of Scott. In other cases, the accused would write a history of his life of crime to warn readers of the wages of sin. Albert Hicks, for example, wrote his autobiography for inclusion in a pamphlet about his trial and execution for piracy and murder in 1860.

Discussion

Of the 603 pamphlets in the Lawson collection, 507 were published after 1831. The fact that they were so numerous and that many of them ran more than one edition indicates that pamphlet publishing after introduction of the penny press remained profitable for a number of decades.

The argument that newspapers replaced crime pamphlets through competition in the marketplace is belied by the fact that newspapers themselves published pamphlets, sometimes simply reprinting the reports that had already appeared in their columns. The Baltimore Gazette, for example, reprinted its coverage of the murder trial of Elizabeth Wharton in a pamphlet immediately after conclusion of her 1872 trial. Likewise, The New York Herald reprinted in an 1861 pamphlet its coverage of a libel case involving its editor, Horace Greeley. In addition to those already mentioned, newspapers such as the New York Herald, the Boston Journal, the Philadelphia Daily Tribune, the Detroit Advertiser and Free Press, and the Chicago Daily Democrat issued pamphlets in the latter half of the 19th Century. And other publishers routinely included newspaper stories in their pamphlets to bolster their own accounts. The pamphlet of the Scott-Dunlap trial in 1877 for bank robbery included a reprint of an article on the pair from the New York Sun, and the 1874 pamphlet about the trial of Owen Lindsay for the murder of Francis Colvin includes excerpts from articles published previously in the Syracuse (N.Y.) Standard and Courier newspapers.

Clearly, pamphlets were directed to a market different from the one served by daily newspapers. They were published to sell to newspaper readers who wanted to preserve an account of the crime or trial, or to sell to readers outside the newspaper's circulation. Or, they were published to present the defendant's side of a case when the defendant was denied access to the local newspaper columns. New York publisher Horace Greeley ran a verbatim transcript of his 1861 libel trial in the columns of the New York Tribune and then reprinted it as a pamphlet and advertised it daily on the newspaper's front page, offering the pamphlet to those subscribers "who desire to secure and preserve a full report of this remarkable trial." Pamphlets, sold through booksellers, could reach a national audience, as well. A pamphlet published by the Carlisle (Pa.) Herald in 1869 carries a Salt Lake City bookseller's stamp and the Baltimore Gazette's 1872 pamphlet was advertised in newspapers up and down the East Coast. In addition, the pamphlet about Susan B. Anthony's trial for illegally voting in the 1872 presidential election offered the feminist an opportunity to present her side of the case (the trial transcript was accompanied by an article about the case that condemned the actions of the judge, who required the jury to find Anthony guilty). It also presented Anthony with a means of spreading word of the trial to her supporters outside the Rochester, N.Y., area and over a longer time period than the currency of a daily newspaper.

If newspapers were not direct competitors of crime pamphlets, it is not reasonable to attribute the demise of the news pamphlets to the rise of mass newspapers. A more credible explanation for the demise of the crime pamphlet can be found in the history of the paperback book trade. Tebbel reports that the "paperback revolution" is a phenomenon that began in the 1840s, a time when penny newspapers also were developing.[19] The first paperback revolution occurred between 1830 and 1845.[20] He explains further that

> [t]here was no mass market in books before this time in America. Sociologically, the rise of the mass market was the result of a rapidly spreading literacy, the beginning of an increase in leisure time as a result of the industrial revolution, and a consequent growing demand for books (and magazines) at a price large numbers of people could afford.[21]

The civil war in the mid-1860s also created demand for cheap books because soldiers on the battlefield wanted books to fill their idle hours. The boom in the paperback trade, however, created a glut of paperbacks on the market. Tebbel points out that the number of publishing houses increased from 50 in 1755 to 385 in 1856. About 100 books a year were published between 1830 and 1842 "before the great leap forward of mass distribution" but in 1859, 1,350 books were issued.[22] After the mid-1800s, book publishing flourished, and many publishers issued paperback series. "Cheap books appeared in profusion from many publishers, some in cloth, others softbound, most selling for less than a dollar," Tebbel writes.[23]

It was within this market that pamphlets competed. Surely, consumers saw these book-like publications as part of this new paperback phenomenon. They weighed the value of spending their quarters on poorer quality, unbound pamphlets that may have had sensational headlines and woodcuts but offered mainly impenetrable transcripts full of legalese and were often printed in small, unappealing type. The pamphlet likely could not compete against the superior products of the new paperback industry.

Conclusion

The American crime pamphlets of the post-penny press era of the later 19th Century retained the characteristics of those of the pre-penny press era described by such researchers as Peterson, Chibnall, Leonard, and Stephens.

They usually reported on a single spectacular crime, usually a murder involving a woman or a suspect whose guilt was in question; they carried confessions of killers who warned of the dangers of a life of crime; they were illustrated with lurid woodcuts; they were highly journalistic in that they were issued as soon after the event as possible and often included observations by the reporter. In fact, newspapers themselves often issued crime pamphlets to broaden their audience base. But the crime pamphlet didn't succumb to the competition of daily newspapers willing to exploit crime for readership. The pamphlets lasted vigorously into the later decades of the 19th Century and some were even published during the early decades of the 20th Century. Their demise as a mass medium more likely came from the rapid growth of a direct competitor -- the paperback book industry.

The pamphlets obviously filled a demand unmet by the penny press or other daily newspapers. In some cases, the newspapers simply were not publishing all the information about the trials and crimes the public wanted. In other instances, such as Susan B. Anthony's trial, the newspapers were not providing space to the defendant for argument of the case. Moreover, pamphlets allowed publishers and persons connected with the trials to reach an audience outside the circulation base of the daily newspapers, or readers of the newspapers who wanted to preserve accounts of trials. Pamphlets during the late 19th Century were alternative media that did not seek to replace newspapers, but rather to supplement them. With the rise of literacy and leisure time, the market for the printed word apparently was large enough for both media -- penny papers *and* pamphlets.

This paper has sought to prove that the penny papers did not supplant the news pamphlet, at least the crime and trial pamphlet. It has suggested a more plausible explanation for the news pamphlet's demise: Market conditions in which it competed with the paperback book industry, which obviously won. However, further research is needed to expand our understanding of those market conditions, how consumers reacted to pamphlets and paperback books during the late 19th Century, and more exact reasons for the demise of the news pamphlet. Furthermore, the fact that news pamphlets have re-emerged at various times during the 20th Century, particularly during periods of social unrest -- such as during the 1930s and the 1960s -- suggests that the publication of news pamphlets as alternative media may be closely linked with the performance of the mainstream newspapers and other media. Whether crime and trial pamphlets during the 19th Century were likewise linked also requires further testing.

NOTES

[1] Mitchell Stephens, A History of News: From the Drum to the Satellite (New York: Penguin Books, 1988).

[2] Ibid., p. 72 and p. 132.

[3] Ibid., p. 133.

[4] Stephens and Ted Peterson, "British Crime Pamphleteers: Forgotten Journalists," Journalism Quarterly 22:305-316 (December 1945).

[5] Peterson, p. 306.

[6] Thomas C. Leonard, The Power of the Press: The Birth of American Political Reporting (New York: Oxford University, 1986).

[7] Peterson; Leonard; Stephens; Steve Chibnall, "Chronicles of the Gallows: The Social History of Crime Reporting," In: Harry Christian, ed., The Sociology of Journalism and the Press (Keele: The University of Keele, 1980); Edwin Emery, The Press and America 2nd edition, (Englewood Cliffs: Prentice-Hall, 1962). See also, Thomas M. McDade, The Annals of Murder (Norman: University of Oklahoma Press, 1961), which is an annotated index of American 19th Century crime pamphlets.

[8] Stephens, pp. 108-09.

[9] Peterson, p. 306.

[10] Ibid.

[11] Chibnall, p. 180 and pp. 204-05.

[12] Emery, p. 175 and p. 8.

[13] Leonard, p. 142.

[14] Ibid., pp. 143-44.

[15] Index to the Lawson collection, University of Missouri-Columbia Law Library, unpublished. The sample was chosen by selecting every twentieth entry of the 603 entries in the Lawson collection index. If a selected entry did not meet the criteria for this study, the first entry following

it that did comply was chosen. The starting point was randomly selected.

[16] Stephens, p. 87.

[17] Pamphlets often do not indicate dates of publication except for year, consequently it is impossible to determine time span between event and publication except to narrow it to within several months. However, as will be shown, publishers of news pamphlets often went to considerable lengths to ensure speedy dissemination of the news.

[18] Pamphlets from the Lawson collection reviewed included:

Trial of Mrs. Elizabeth G. Wharton, on the charge of poisoning General W.W. Ketchum (Baltimore: The Baltimore Gazette, 1872);

An account of the proceedings on the trial of Susan B. Anthony on the charge of illegal voting (Rochester, N.Y.: Daily Democrat and Chronicle Book Print, 1874);

The arguments of counsel in the close of the trial of Rev. Ephraim K. Avery, for the murder of Sarah M. Cornell (Boston: Daily Commercial Gazette, 1833);

Trial of Rev. Mr. Avery. A full report of the trial of Ephraim K. Avery, charged with the murder of Sarah Maria Cornell, 2nd edition (Boston: Daily Commercial Gazette, 1833);

The people of the state of New York against Edward Newton Rowell. A trial upon an indictment for manslaughter in the first degree for killing Johnson Livingston Lynch, of Utica, N.Y., at Batavia, N.Y. (New York: George S. Diossy, 1884);

Trial of Harry Crawford Black, for the killing of Col. W.W. McKaig, Jr. (Washington D.C.: Chronicle Punt, 1871);

The triple murderer. Life and confessions of Return J.M. Ward, who killed and burned the body of his wife, at Sylvania, Lucas Co., Ohio, 3rd edition (Toledo: Hawes & Co., 1857,);

The Manchester tragedy. A sketch of the life and death of Miss Sarah H. Furber, and the trial of her seducer and murderer (Manchester, N.H.: Fisk and Moore, 1848);

Report of the trial of William F. Comings, on an indictment for the murder of his wife Mrs. Adeline T. Comings (Boston: Samuel N. Dickinson, 1844);

The Baldwinsville homicide. Verbatim report of the trial of Owen Lindsay, for the murder of Francis A. Colvin (Syracuse, N.Y.: Truair, Smith & Co., 1875);

Report of the trial of Thomas Wilson Dorr, for treason (Providence: B.F. Moore, 1844);

The Manheim tragedy. A complete history of the double murder of Mrs. Garber & Mrs. Ream: with the only authentic life and confession of Alexander Anderson (Lancaster, Pa.: Evening Express Office, 1858);

Confession of Samuel Steenburgh, who murdered Jacob S. Parker (Albany: Weed, Parsons and Company, 1878);

Narrative of riots at Alton: in connection with the death of Rev. Elijah P. Lovejoy (Alton: George Holton, 1838);

Official report of the trial of Mary Harris, indicted for the murder of Adoniram J. Burroughs (Washington D.C.: W.H. & O.H. Morrison, 1865);

The life, trial, confession and execution of Albert W. Hicks, the pirate and murderer (New York: Robert M. Dewitt, 1860);

Official report of the trial of Fanny Hyde, for the murder of Geo. W. Watson (New York: J.R. McDivitt, 1872);

The trial of John Kiehl, for the poisoning of his wife Sarah E. Kiehl (Carlisle, Pa.: Herald Office, 1871);

Report of the suit against the Rock Island bridge (St. Louis, 1848);

Confession of the murder of William Morgan. As taken down by Dr. John L. Emery (New York: John Emery, 1849);

Mrs. Hull's murder, being the full and only reliable history of this cruel, terrible tragedy in New York City (Philadelphia: The Old Franklin Publishing House, 1879);

Important trial for seduction in the Superior Court of N. York. . . Nancy Van Haun vs. Silas E. Burrows (1833);

John P. Phair: a complete history of Vermont's celebrated murder case (Boston: 1879);

Trials of Scott and Dunlap for robbing the Northampton National Bank (Northampton, Mass.: Gazette Printing Co., 1877);

The Parkman Murder. Trial of Prof. John W. Webster for the murder of Dr. George Parkman (Boston, 1850);

The Talbotts. History of the assassination of Dr. P.H. Talbott, and the trial of his two sons (Maryville, Mo.: 1881);

A voice from Leverett street prison, or The life, trial and confession of Simeon L. Crockett. Who was executed for arson (Boston: 1836);

Trial of John Fox for the murder of John Henry (New Brunswick: 1856);

Life, trial, confession and conviction of John Hanlon for the murder of little Mary Mohrman (Philadelphia: 1870);

Trial of Alexander M'Leod, for the murder of Amos Durfee; and as an accomplice in the burning of the steamer Caroline, in the Niagrara River, during the Canadian rebellion (New York: the Sun office, 1841);

The Hinchman conspiracy case, in letters to the New York Home Journal (Philadelphia: 1849).

[19] John Tebbel, A History of Book Publishing in the United States: Volume I, The Creation of an Industry 1630-1865 (New York: R.R. Bowker, 1972).

[20] Ibid., p. 240.

[21] Ibid., pp. 240-41.

[22] Ibid., p. 221.

[23] Ibid., p. 245.

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OVER

FOR "THE PROSPERITY OF THE DENOMINATION": UNDERSTANDING THE NORTH CAROLINA BAPTIST PRESS, 1845-1861

By

David A. Copeland

School of Journalism and Mass Communication
University of North Carolina
Howell Hall, CB 3365
Chapel Hill, North Carolina 27599-3365

421 Woodland Ave.
Wake Forest, North Carolina 27587
919-556-2380

Presented to the American Journalism Historians Association
for Its Annual Conference October 1-3, 1992
Lawrence, Kansas

FOR "THE PROSPERITY OF THE DENOMINATION": UNDERSTANDING THE NORTH CAROLINA BAPTIST PRESS, 1845-1861

In 1832, Baptist minister Thomas Meredith[1] convinced other Baptists in North Carolina that the denomination needed a voice. The ministers at their annual convention agreed. North Carolina Baptists, they believed, would benefit from "a well conducted religious journal"[2] to explain who they were and gave Meredith its approval to begin publication. Meredith, in response to the Convention's sanction, promised "to promote the cause of Religion and Morals, with a special reference, however, to the prosperity of the Denomination, and the important interests and objects of the Convention."[3]

For Tar Heel Baptists the prosperity of the denomination[4] was the key. Surrounded by Methodists, Presbyterians and Episcopalians all of whom practiced infant baptism, the Baptist concept of believer baptism, which signified a regenerate membership immersed by consent, had to be constantly defended. And although Baptists had grown since the beginning of the century, they were far from being the dominant religious group in the state. In 1840, three-fourths of a million people lived in the North Carolina, and the Baptist State Convention's 1843 minutes stated that only 24,180 of them were Baptists.[5]

Faced with a small, scattered membership in a state that was 98 percent rural and with the fact that nationally the denomination seemed ready to rupture over slavery, Baptists thought that Meredith's press would help bring them prosperity. A newspaper alone, however, could not ensure denominational success. The newspaper had to appeal to the interests of readers. A steady diet of theological debates would not suffice in rural North Carolina since the *Biblical Recorder*--the name Meredith gave to his weekly newspaper--had to compete with secular newspapers filled with murder, disaster and political debates for readership.

For Meredith, the formula for success meant combining the secular and the sacred. The *Biblical Recorder* had to offer the readers a healthy dose of the secular--both "hard" news and sensationalism. At the same time the paper had to present the sacred--items that fostered the growth of Baptists numerically and spiritually--especially believer baptism.[6] Meredith quickly realized that in order for the *Biblical Recorder* to be successful, it had to reach out for women, who represented the majority of the weekly church congregations and who served as the central figures of the homes.[7]

This paper, then, focuses upon the content of the *Biblical Recorder* between the crucial years of 1845 and 1861. In 1845 Baptists in the United States split North and South over the issue of slavery, and in 1861 the entire nation did the same. The paper first looks at how Meredith and his editorial successors competed with North Carolina's secular newspapers in types of news presented, an aspect vital to the understanding of the religious press. It also looks at how the *Recorder* handled the issue of slavery in the denominational and national schism.

Second, this paper concentrates on Meredith's promise to ensure the prosperity of the denomination. Here, the *Biblical Recorder* honed its message to a specialized readership--women. By elevating women through an emphasis upon the significance of home and education, Meredith felt the denomination would be preserved. This agenda proved to be the salvation of the denomination.

But this emphasis on women did more; it helped to foster a desire for an education among women equal to that of men, and it fostered a desire for women's rights. Although women played a secondary role in southern society, they played the foundational role at home[8] and consequently, in the church according to the *Recorder's* theory of promoting the denomination.

Observing how the *Biblical Recorder* achieved these goals can further our understanding of the importance of the press' role in shaping the nation. The fact that the *Biblical Recorder* competed successfully with the secular press also supports the contention that the study of the nineteenth century religious press is important. From 1801-1833, the religious press grew and competed successfully with the secular press.[9] The 1850 Census listed 191 religious newspapers or periodicals published in America.[10] According to one author, religious journalism accounted for "three quarters of the reading material of Americans . . . in 1840."[11] Little, however, has been written about the religious press.[12] The religious press of the nineteenth century--perhaps even more than the secular press of the period--reflected antebellum southern society as it developed. The religious newspaper emphasized issues relevant to its particular denomination, to be sure, but it also summoned its readership to peruse regional, national and international items that the paper's publisher felt were important and of interest to the readership. But religious papers did more. The religious press provided "the best running account of religious response to the troubles of the nation."[13]

Nowhere do these observations hold truer in the South than in North Carolina. Only one paper, the *Raleigh Register*, remained in print from the opening to the closing of the century. No dailies appeared in North Carolina until the 1850s, and North Carolina travelers to other states would have heard "there are no [North Carolina] papers worth reading" if they asked for one at a tavern.[14] In this environment, the religious newspaper found and filled a niche.[15] Before looking at the *Biblical Recorder*, however, an overview of the religious press' origins in America is appropriate.

The Growth and Origins of the Religious Press

Papers like the *Biblical Recorder* did not just materialize; they originated in the revivals, the Great Awakening of the eighteenth century and the Second Great Awakening or the Great Revival, that ushered in the nineteenth. Controversy surrounded the revivals, and controversy spawned the religious press in efforts to define religious traditions and to sustain them against attack. For these reasons in the fervent atmosphere of revival-torn 1740s Boston,[16] the religious press was conceived.

The first religious periodical in America was Thomas Prince's *Christian History*, which appeared in 1743. Its purpose was to record the progress of the Great Awakening and its silver-tongued orator, George Whitefield.[17] The *Christian History* continued to be published until 1745. Nineteen years later, the first southern religious periodical, the *North Carolina Magazine, or Universal Intelligencer*, was printed in New Bern. The *Universal Intelligencer* was part magazine and part newspaper and was published in 1764 and 1765.[18] Even though Prince had begun the publication of religious periodicals and the *Universal Intelligencer* brought the attempt at religious publications southward, religious newspapers and magazines did not flourish until after the Second Great Awakening.[19] In Georgia, Baptist minister Henry Holcombe responded to the Great Revival and published the *Georgia Analytical Repository* in 1802. Although the paper folded after six issues, it set the agenda for the religious papers that would follow. Benevolent undertakings by religious groups, accounts of revivals, essays on civil government, information on the organization of Georgia Baptists, articles on the arts and sciences, and news of secular importance filled those six issues.[20]

From the time of the *Georgia Analytical Repository* to 1850, countless other religious periodicals sprang into existence and disappeared almost as quickly. Although the revival fervor of the Awakening came to North Carolina in 1801 with a Baptist preacher named Lemuel Burkitt,[21] North Carolinians would not produce a religious paper for another twenty years.[22] The success of the *Biblical Recorder* following its publication in 1833, in comparison with the lack of success of many of North Carolina's secular papers during this period, confirms the fact that religious newspapers competed successfully with the secular press of the day. Because the religious press dealt with issues outside of the religious sphere as well as those within, it could serve as the sole informational outlet for many. Whether or not it served as nobly as the *Presbyterian* of Philadelphia claimed in 1854 is questionable. That religious paper asserted:

> In many cases, the religious newspaper is the only channel of communication with the world at large. Not a few families rely upon it entirely for their secular as well as their religious information. . . . It is not simply taken up, hastily run over, and then thrown aside for waste paper, it is returned to again and again, until every article, even the advertisements, has been pored over; it passes into the hands of every member of the family, undergoing in each case, perhaps, a similar process. It is referred to in the conversations of friends and neighbors; its opinions and statements are quoted; in fact, it comes at last to be regarded as a sort of living companion, and as an old and reliable friend with some, too, it takes the place of books, where books would seldom or ever reach them.[23]

The *Biblical Recorder* never made such a claim for itself, but Baptists recognized this kind of potential for a denominational newspaper. Meeting together in 1837, Baptists declared, "A religious paper is an organ of general communication for the scattered members of the church, and thus becomes the medium through which her movements may be carried forward. It is here we learn each other's sentiments and compare each other's views."[24] Whether in Convention or in the issues of the *Recorder*, Baptists continued to insist on the importance of the newspaper. "Our state should furnish 3,000 subscriptions," the 1844 State Convention maintained. "Every Baptist family in the State should weekly receive a copy of the Biblical Recorder," the Convention stated in 1855. By 1859, the Convention voted "to enlarge the *Recorder* by one column inch on each page and add an additional editor."[25] This progression of events speaks to the success of the *Biblical Recorder* as does Meredith's editorial in January 1850. "We are gratified to be able to state, however, that the circulation of the Recorder in North Carolina now, is greater than it has been in any previous period."[26]

The religious newspaper was the product of revival, but periodicals like Prince's *Christian History* failed when they dealt solely with the religious. Meredith's approach of dealing with the whole of news, sacred and secular, allowed his type of religious newspaper to succeed. When the telegraph changed the method of news gathering so that dailies could print news within twenty-four hours of occurrence[27] and when printing presses that could deliver tens of thousands of double-sided printed pages in an hour's time[28] altered the newspaper business in America, the religious press changed, too. It became more of a denominational organ[29] and less of a news source to be embraced by the entire family for all of its news as the *Presbyterian* proclaimed in 1854. As the *Biblical Recorder* followed this trend in the years after the Civil War, it continued to be successful because of the place it etched for itself among the citizenry of North Carolina from 1845-1861.

Reading the *Recorder*: Secular News and Denominational Issues

For North Carolina Baptists, the *Biblical Recorder* served as a voice to unite, indeed, perhaps even to create a denomination out of small, scattered congregations that stretched from the state's sandy coastal plain to the tree-covered Appalachian Mountains. Under Meredith's careful guidance, Baptists began printing their religious journal, first called the *North Carolina Baptist Interpreter*, in January 1833 in Edenton. The publication's name changed in 1835 to the *Biblical Recorder*, and at the same time it became a newspaper instead of a monthly journal of over twenty pages. Meredith moved the base of the paper's operation to the state's capital, Raleigh, in 1838.

From its inception, the *Biblical Recorder* dealt with a broad spectrum of issues and topics. In fact, the *Recorder* from 1845-1861 published twenty percent more news items that were non-religious in nature than it did those with a religious focus.[30] The nature of the secular news in the *Biblical Recorder* ran the gamut of possibilities. Since North Carolina's press was anything but stable, the Baptist paper generally provided "hard" news, even if that news was clipped from other religious or secular papers.

Within the four pages of the religious weekly, readers found stories "Devoted to Religion, Morality, Literature, Agriculture and General Intelligence."[31] Because the *Biblical Recorder* competed with the secular press, its "General Intelligence" sections contained news that had nothing to do with religious issues. It would have been difficult to distinguish, with a quick glance, between the *Biblical Recorder* and its four-page secular counterpart, the *Raleigh Register*. The front page layout of both newspapers was nearly identical, and it would have been equally difficult to distinguish the *Recorder* from secular papers in the treatment of certain subjects, especially politics, agriculture and murder. On the political scene, the *Biblical Recorder* printed the text of presidential speeches and the work of Congress, but its treatment of one of the most politically-charged events of the period--John Brown's raid on Harper's Ferry--may best disclose its similarities to the secular press. The *Biblical Recorder* followed John Brown's 1859 raid on Harper's Ferry and the subsequent trial and execution of the abolitionist closely.[32] The *Recorder* recreated for its readers the step-by-step events of the raid. The paper reported the first casualty--"The negro man named Haywood, railroad porter, was shot early in the morning for refusing to join the movement"[33]--just as secular newspapers like the *New York Herald*, the *Baltimore American* and the *Savannah Daily Morning News* and dozens of others.[34] The *Recorder* expounded upon Brown's "character and purpose" as well as his "stupidity."[35] Both the *Recorder* and the secular press referred to Brown as a "madman" who, along with his confederates, "deserved to be dealt with as [his] guilt deserved."[36] In between the reports of Brown's raid, his capture, trial and subsequent execution, the

Recorder even carried an interview, "Mrs. Brown, the Wife of Old John," describing the wife of the Kansas insurrectionist. The report also gave her account of her husband's wait of "twenty years for some opportunity to free the slaves. . . ."[37]

Brown's raid on Harper's Ferry was not the only thoroughly covered news. When it came to murder, stories pervaded the *Biblical Recorder*'s pages. The murder of clergy, nuns, children or "ordinary" citizens appeared with regularity. This preoccupation with death followed the secular press and publication practices in general of the nineteenth century. Authors found they could market their work if it contained a sufficient dose of violence, which provided the easiest means to provide suspense, surprise and contrast--the ingredients of successful fiction.[38]

If imagined violence sold fiction, there can be no doubt that the violence of real life--upon which the fiction was based--sold periodicals and newspapers. The press, even religious papers like the *Recorder*, capitalized upon this fact and followed the sensational news reporting practices of James Gordon Bennett's *New York Herald* and the Penny Press. Sensationalism meant news that was interesting, but not particularly "respectable." This kind of news dealt with murders, rapes, jilted brides and genetically mutated animals.[39] Sometimes the *Recorder*'s choice of sensational story purely shocked the reader's conscience. "A New York woman after cutting the throats of her two youngest children, one three years, the other six months, cut her own with a razor."[40] At other times the stories intimated that even the finest of humankind's inventions were no match for the fury of God in nature. "The dreadful news has just been received of the wreck of the magnificent steamer San Francisco. . . . It is feared every soul on board will perish. . . . The San Francisco is supposed to be the finest steamer ever built for Pacific Trade."[41] Many of the stories left the readers asking why when they spoke of accidental death, especially of children. "It seems that the horse threw him into a ditch and fell upon him, breaking his neck, and pressing his head into the mud,"[42] one story told readers.

Some of the *Recorder's* sensational selections ran with no apparent reasoning other than readership appeal. Examples include the "Death of the Kentucky Fat Boy," who weighed 537 pounds; the death of a black Boston man who put his fate in the hands of a fortune teller only to die surrounded by fifty cotton balls; the story of a sea monster seen off the Connecticut coast; and the ghastly murders by Dr. Webster of Boston where body parts were found under his porch and melted gold fillings discovered in his room. These stories, be they the work of Providence or not, kept readers' interest piqued.

All of the *Biblical Recorder's* entries were not as entertaining as its sensational news. Antebellum North Carolina was a region of many farms and few cities, and from the *Biblical Recorder's* inception, it tended to the agrarian needs necessitated by a predominantly rural population.[43] In 1845, for example, the *Recorder* averaged five articles on farm news in each edition. The secular press in the state also afforded space for agricultural needs,[44] and with stockyard quotes and advice on tending ailing farm animals, the *Recorder* gave no hint that it was published as an extension of a religious body.

Although the *Biblical Recorder* captured the attention of its readership with news of the world, it was still an organ of a religious body. The *Recorder's* primary religious theme dealt with the Baptist doctrine of believer baptism.[45] Other issues that the newspaper had to face were peculiar only to Baptists. These included Landmarkism and Campbellism.[46] But in 1845 and again in 1861, religion and the secular became entwined over the issue of slavery. In January 1845, Meredith warned, "[O]ur denomination, and indeed our glorious Republic, seem to be on the point of bursting into fragments. . . . "[47] Four months and three days later on May 8, 1845, Baptists in the South formally split from their northern brethren to form the Southern Baptist Convention. The right of missionaries to own slaves was a focal point of the schism. Meredith opposed the splitting of the denomination into northern and southern factions, but he eventually realized separation was inevitable. He added one last plea for union in that decree on April 26, 1845 in his "We Will Not Oppose" editorial. "[W]e entreat that brother not to go for a separation, so long as *union*, on *honorable terms*, is practicable."

Sixteen years and a month later, Meredith's prediction of the Republic's rupture reached its final fruition with the formation of the Confederate States of America. Again, the issue of slavery was central. When it came to the division of the nation, the *Biblical Recorder*, just as it had with the denomination, proposed that no division take place. In December 1860, editor J. J. James warned "[T]he election of Mr. Lincoln is not good cause for dissolving the union."[48] James then petitioned Baptists to join in a "Day of Prayer" for the country. The movement of the South, however, inevitably meant secession, and James' replacement as editor, J. D. Hufham, approved of North Carolina's secession. "We were in the convention, heard the debates on the ordinance of secession, saw it passed and signed, and we know that there was no difference of opinion as to the necessity of cutting loose from the Northern and uniting with the Southern government."[49]

The *Biblical Recorder*'s treatment of secular events demonstrates the paper's success in competing with the secular press and in its goal of bringing its readership valuable news of any type. Its dealings with religious questions pertinent to the welfare of the growing Baptist denomination affirms the paper's commitment to promoting and preserving the Baptist cause, but three topics that the *Biblical Recorder* stressed reveal more about the denomination and the focus of southern society than any amount of coverage of John Brown or apologies for believer baptism. Those three topics were education, women, and the home. With these topics, the *Biblical Recorder* succeeded in insuring the prosperity of the denomination.

Reading the *Recorder*: For the Prosperity of the Denomination

The *Biblical Recorder's* emphasis on women and Meredith's subsequent plan for promoting Baptists through them were not unique. Education, women, and the home increasingly garnered attention in the antebellum period both in and out of the church.[50] Education on the national scene was perceived to be absolutely necessary for the success and survival of the country. Reformers like Catharine Beecher told Northeners that the education of every American child was "the immediate object which has called us together."[51] Education for males produced a literate class and trained lawyers, doctors and ministers. It was also seen as the only way to preserve American government.[52] Education for females, besides the fact that it was good in and of itself, produced future wives and mothers.[53]

Following Meredith's and other evangelicals' concept, educated women would be the source of denominational and morals preservation, a great necessity for the welfare of society. As antebellum northern America sped--or perhaps fled--towards large urban centers and an industrialized society, there was only one place that provided safety from the "chaos of the streets," and that was the home. Antebellum America recognized home as a sanctuary from the world, and the home was the sphere of the woman.[54] As society decayed, its salvation lay in the woman and home. "When our land is filled with virtuous and patriotic mothers, then will it be filled with virtuous and patriotic men," wrote the Reverend John S. C. Abbott.[55] *Mother's Monthly Journal* laid the future at woman's feet.

> [T]he mother's appropriate sphere and pursuits give her a decided advantage in the great work of laying a foundation of future characters; inculcating those principles and sentiments [which] are to control the destiny of her children in all future time."[56]

Women were, as Cotton Mather had called them over a century earlier, "The Hidden Ones," those that always supported the minister and the church in a quiet, silent manner. And women were, in Laurel Ulrich's words, the church members who "went to hear the minister preach even when it snowed . . . [and] they never asked to be remembered on earth."[57] In the church, women were always present, always working quietly, always giving without asking to be remembered. For the *Recorder*, women became "the cornerstone of Church and State."[58]

If the *Biblical Recorder* planned to preserve Baptists by promoting women, it had to make sure its pages appealed to a female readership. From the *Biblical Recorder*'s beginnings, Meredith provided articles for women. Each week, the four-page paper devoted one page to poetry, short stories and bits of wisdom. At times these were written by women. In July 1850, Meredith commented on "a beautiful thing from the pen of Mrs. Cornwald Barry Wilson." Wilson's poem, "The Head and the Heart" followed. These types of articles were directed at a female readership, but so were sensational news items as well as articles like "The Good Wife," which extolled the wife that each day outfitted her husband to face the rigors of the world.[59] Because women were so involved in the life of the church, they were probably very interested in *Recorder* articles dealing with doctrinal issues and obituaries (including those of women), announcements (ordinations, special sermons and meetings), marriages and the like.[60]

The *Biblical Recorder* succeeded in its first step of prosperity for the denomination by providing articles that appealed to its female readership. Since women were already in place in the home, promoting their education was the next step. Meredith and subsequent editors through the *Biblical Recorder* advocated education for both sexes. From 1845-1861 the *Recorder* repeatedly emphasized female education, something it had begun to push as early as 1835 with other Baptist leaders in the northeastern part of the state. Although the state convention did not provide support for such an institution, local Baptists did and opened Chowan Female Institute in 1848 in Murfreesboro. Coinciding with the opening of the school, the *Recorder* ran a series of articles on female education. In the December 4 paper, Meredith published a lengthy article on "Female Scholars of the Reformation." The history extolled the intelligence of females who learned the biblical languages and challenged the religious and political leaders of the day on their errors in biblical understanding. Meredith also ran in the same edition the first announcement of the Chowan Female Institute, which promised to offer a variety of courses including grammar, philosophy, logic, algebra, French and Latin.

The list of courses for Chowan Female Institute and the article on the intellectual women of the Reformation, along with the *Recorder*'s publishing of John Milton's essay advocating equal education for male and female, made it appear that the *Biblical Recorder* advocated equal education for males and females. That was not, however, the *Recorder's* purpose. "Female education is highly important as connected with domestic life. It is at home where man passes the largest portion of his time. . . . Intelligence and piety throw the brightest sunshine over private life, and these are the results of female education."[61] The Baptist woman's role was preserver of religion, educator of children through home primers and the maintainer of the home--the "cornerstone of Church and State." She needed education to accomplish such lofty goals.[62]

From 1850 to 1861, the *Recorder* repeatedly emphasized this multi-faceted role of the female and the necessity of her education. The 1850 papers ran numerous articles on education and reported on the improvements to the facilities at Chowan saying "it always affords us pleasure to promote its interests." The same edition also directed its readers' attentions to Forestville Female Institute that had just opened less than five miles from Wake Forest College, the Baptists' school for educating its male clergy.[63] By May, the *Recorder* reported the addition of chemical, astronomical and philosophical apparatus at Chowan noting that they were "far superior to that of any similar Institution in this State, or, the adjoining States."[64] From April through July, the *Recorder* ran seventeen separate articles on education with about half focusing on female education. On January 6, 1854, the *Biblical Recorder's* enthusiasm for female education practically leapt from its pages. There were promotions for Metropolitan Female Seminary in Raleigh, Castalia Female Institute, Oxford Female College and a report of the addition of a library at Chowan. In its report from Chowan, the *Recorder* carried these words: "To woman how invaluable in all the relations, and duties, and trials of life, is an education!"[65]

As the *Biblical Recorder*, North Carolina Baptists and the South moved towards the division of the Union in 1861, the editors of the newspaper continued to promote education for both sexes, but they also addressed women in other ways. Woven into every edition of the *Recorder* were the stories of the home and virtuous woman. The *Recorder*--as well as other evangelical publications--were helping create a self-confident and more independent southern women in the waning days of the antebellum South.[66]

The articles are too numerous to list; "The Wife," "The Dying Mother," "A Daughter's Devotion," "Home and Woman," "A Mother's Prayer," "What a Prudent Wife Did" are examples of the stories that elevated the role of women and demonstrated the importance of the home. The stories portrayed the female as the "greatest of all earthly gifts, far beyond gold," and declared, "No wife, no home."[67] Taken alone, these articles might lead to the conclusion that the *Biblical Recorder* wanted to keep women in a subservient role, and to some extent, that may be a correct assumption since keeping women in their proper sphere of home where they could properly care for husbands and family was being promoted especially in northern America.[68] But when these articles on service and the importance of woman's sphere--the home--were coupled with the large number of articles promoting education, the results were not demeaning. Woman's sacrifice for home and family was Christlike, and no greater comparison could be made in a Christian environment. A mother's love was unconditional; she would tenderly care for a child, even if that child were born without appendages.[69] The *Recorder's* greatest praise for women may have come on September 5, 1855 when a front page story, "Female Piety," said, "Such a being is indeed worthy of reverence and admiration of every true and generous heart, and she will command it, even when the light of her beauty is quenched, and the flower of her loveliness is faded."

Just as "Female Piety"[70] lifted the female to a pedestal, "Home and Woman," printed November 2, 1850, wrapped woman, the home and her education into one neat and all-significant package. It is significant because the concept of "home," as portrayed in the rural-oriented *Biblical Recorder*, has been considered as a part of urbanization and the creation of a middle class in the North.[71] Meredith seemed not to know that the agricultural South was different. He thought that North Carolina would have to face the problem in the all-encompassing package of "home" as guided by the educated woman. So as Meredith introduced the tribute, he was paying homage to woman for saving society, church and perhaps a way of life. He said, "If there has ever been a more touching and eloquent eulogium upon the charms of home, and its dearest treasure, woman, than is contained in the following . . . it has not been our good fortune to meet it." The tribute declared:

> Our homes, what is their cornerstone but the virtue of woman, and on what does social well-being rest but our homes? . . . Are not our hearth-stones guarded by the holy forms of conjugal, filial, and paternal love, the cornerstones of Church and State; more sacred than either, more necessary than both? Let our temples crumble, and our academies decay . . . but spare our homes. . . . [M]other is a holy and a peculiar name--this is home; and here is the birth-place of every virtuous impulse, of every sacred thought. Here the Church and the State must come for their origin and their support. Oh, spare our homes!"[72]

The biblical significance of this tribute would not have been missed by the *Recorder's* readership, male and female. The comparison of woman to the cornerstone carried tremendous scriptural importance. The Synoptic gospels, all quoting Psalm 118, announced that Jesus had "become the head of the corner; this was the Lord's doing, and it is marvelous. . . ."[73] In Acts, the concept was further expanded. Peter, talking to a crowd, said that Christ was that cornerstone and "there is salvation in no one else."[74] The Ephesian letter pointed out that "Christ Jesus himself" was the cornerstone, "in whom the whole structure is joined together and grows into a holy temple in the Lord."[75] Christlike importance was being attributed to women and their role in preserving home, society, the church and even humankind.

There can be little doubt of the significance of woman, education and the home for Baptists in the antebellum South. The female in Baptist life was assuming ever increasing importance. In Baptists' efforts to secure another generation that would accept the tenets of its faith, they looked to the home, the dominion of the female. By promoting women, the *Biblical Recorder* found the way to ensure the success of the denomination. By comparing woman to Christ as the cornerstone, the *Recorder* approved a metaphor that should have elevated females and enhanced their self-esteem. As has been said, the education of females was the necessary ingredient that had to be added to the existing feature of home and woman. The emphasis on education helped to foster a desire among women for an education comparable to or even superior to that of men, and it fostered a desire for women's rights, especially in the denominational sphere where women sought admission to national conventions as equals to men and set up the Women's Missionary Union as a separate, independent entity from the denomination's foreign missions program.

Conclusion

As a prime example of a religious newspaper, the *Biblical Recorder* offers a glimpse at one of the more overlooked facets of nineteenth-century journalism, the religious press. In design and concept, the *Recorder* did not differ from its secular counterparts. Because it competed with secular newspapers for readership, the *Recorder* offered news items on a multitude of topics. By following the basic pattern of newspapers of the day, the *Biblical Recorder* attracted readers. At the same time, it provided information and knowledge for the citizen in antebellum North Carolina. What set it apart from the secular papers of the day was not the fact that it carried religious news--for secular papers grasped the importance of religion in the lives of their readership and ran numerous articles on religion.[76] What set the religious newspaper like the *Biblical Recorder* apart from its secular counterparts was its sermons and doctrinal issues peculiar to the denomination. Believer baptism was not a concern for the growing secular press of North Carolina; it was, as Baptists grew towards religious dominance in the state, imperative that the *Recorder* establish the practice as biblically correct in comparison with infant baptism.

The religious newspaper reflected its society as well. There was a desire to know about the events of the day; there was a desire to be entertained, but it must not be forgotten that southern society mixed the religious with the everyday. The *Recorder* informed and entertained through what its editors felt were the most significant national and international issues and through the sensationalism prevalent in secular journalism. While many of the stories published in the *Recorder* carried shock value, others spoke clearly to God's hand in the workings of ordinary life.

The pages of the *Biblical Recorder* also tell us much about who read the paper. The *Recorder* dedicated one page in four to poetry, stories of distant lands, serials and bits of wisdom designed to strengthen the living of a moral, Christian life. This page and its contents are a strong indicator that this newspaper was not aimed at a purely male readership. The agenda of the *Biblical Recorder* from 1845-1861 was the prosperity of the denomination. The wealth of stories aimed at females and the home may have been printed to urge men to take more seriously their female counterparts, but it is more likely that the *Recorder's* editors knew their readership--their female readership--needed to know that it was vital to the success of the denomination and society. Why else would the *Recorder* repeatedly point out that woman was the most treasured, most important asset man and home could find? Why else would the *Recorder* insist that woman was the cornerstone of the home and the home the very cornerstone of church and state? Why else would the *Recorder* insist that women needed an education? Thomas Meredith and the editors that followed him knew that Baptists in rural North Carolina centered life around the home. It was there, and not in the local Baptist church, that the denomination would be preserved. The home was woman's sphere, and she and she alone could ensure "the prosperity of the denomination." Why else would the *Recorder* declare, "No wife, no home?"

The *Biblical Recorder's* efforts to strengthen Baptists through women and the home proved successful. By 1880, Baptists were the largest denomination in North Carolina. Before the end of the century, women would comprise 60 percent of the denomination's membership in all of the South.[77] In addition, the denomination's women put into place the Women's Missionary Union, Southern Baptists' best and most successful way of raising money to support its mission efforts. A century later Southern Baptists were the religious icon of the South and the second only to Roman

Catholics in national membership with the names of 14 million saved souls upon their church registers.

Reading the *Recorder* rightly suggests that the readership of religious newspapers included a large number of women who passed on religious beliefs to their children--the future of the denomination. For its female readership, these stories emphasized the value of woman, elevating her importance in society and instilling self-esteem and value. Even though they might have to wash, sweep, bake, sew, garden, conceive, give birth and nurture children, women could see that without their selfless contributions, society would likely crumble. And although this may have been a self-serving concept for the male-dominated denominations and religious press, it still fueled women's involvement in the church and supported their participation in benevolent organizations within the community and nation.

ENDNOTES

1. Thomas Meredith came to North Carolina shortly after attaining his M.A. in 1816 from the University of Pennsylvania to serve as a home missionary appointed by the Triennial Convention, the name Baptists gave to their mission society. Meredith quickly assumed a leadership role among Baptists in North Carolina. He moved from Edenton to New Bern and back to Edenton again as he held pastorates in two of the state's most influential towns. Meredith and another northern Baptist who came to North Carolina on mission work, Samuel Wait, saw the need for education among North Carolina Baptists. They knew that a religious periodical could be used to promote their original purposes for coming to the state--missions and education.

2. North Carolina Baptist State Convention, *Proceedings* (1832), 13.

3. *North Carolina Baptist Interpreter* (Edenton), 17 January 1833, 1. This monthly journal was the first edition of what was to become the *Biblical Recorder*, the name used beginning in 1835 and continuing to the present.

4. Denomination refers to a religious group that holds to a certain set of beliefs. Often, the group adheres to a certain creed. The Baptist denomination, however, is one that relies upon believer baptism and the autonomy of the local congregation. Local congregations may be tied together in associations or state or national conventions. The associations and conventions serve to further special interests like missions but do not have any control over the activities of the local congregation. The convention concept among Baptists is further explained in William H. Brackney, "The General Missionary Convention of the Baptist Denomination, 1814-1845: An American Metaphor," *Baptist History and Heritage* 24 (1989): 13-23.

5. U.S. Census Figures in Hugh T. Lefler and Patricia Stanford, *North Carolina*, 2nd ed. (New York: Harcourt Brace Jovanovich, Inc., 1972), 467. Baptist figures from *Minutes*, Baptist State Convention of North Carolina (Raleigh, 1843).

6. The fact that believer baptism articles continually appeared in the *Biblical Recorder* may speak more to the fact that Baptists themselves needed reassurance that the practice was, in fact, the biblically correct mode. Surrounded by Methodists, who outnumbered Baptists in the state during this period, Presbyterians and Episcopalians, all of whom practiced infant baptism, doubts concerning believer baptism had to occur among Baptists. In 1850 Methodist, Presbyterian and Episcopal churches in North Carolina outnumbered Baptist churches by almost forty percent, 985 to 615. There were 784 Methodist churches alone. Figures taken from C. C. Goen, *Broken Churches, Broken Nation. Denominational Schism and*

the Coming of the American Civil War (Macon: Mercer University Press, 1985), 51.

7. Donald G. Mathews, *Religion in the Old South* (Chicago: University of Chicago Press, 1977), 102-3.

8. One of the concepts prevalent in America--especially in the North--from 1820-1860 was the concept of the "Cult of True Womanhood." Under the rubrics of this guideline for the ideal woman, women were to concern themselves only with domestic affairs and remain "a hostage of the home." Barbara Welter, *Dimity Convictions. The American Woman in the Nineteenth Century* (Athens: Ohio University Press, 1976), 21-30.

9. Frank Luther Mott, *American Journalism. A History: 1690-1960.* 3rd ed. (New York: The Macmillan Company, 1962), 206.

10. Frank Luther Mott, *A History of American Magazines, 1741-1850* (Cambridge: Harvard University Press, 1966), 342.

11. Benjamin P. Browne, *Christian Journalism for Today* (Philadelphia: The Judson Press, 1952), 14.

12. Religious periodicals are discussed briefly in each of the following three volumes by Frank Luther Mott: *A History of American Magazines, 1741-1850* (Cambridge: Harvard University Press, 1966), 337-342, 369; *A History of American Magazines, 1850-1865* (Cambridge: Harvard University Press, 1967), 61-65; *American Journalism. A History: 1690-1960*, 3rd ed. (New York: The Macmillan Company, 1962), 206, 321, 513. North Carolina religious newspapers are mentioned in Guion Griffis Johnson, *Ante-Bellum North Carolina. A Social History* (Chapel Hill: University of North Carolina Press, 1937). Methodist periodicals are studied in Joanna Bowen Gillespie, "The Emerging Voice of the Methodist Woman: *The Ladies' Repository*, 1841-61," in Russell E. Richey and Kenneth E. Rowe, *Rethinking Methodist History* (Nashville: Kingswood Books, 1985). Sam G. Riley and Gary Selnow, "Southern Magazine Publishing, 1764-1984," *Journalism Quarterly* 64 (1988) discusses the beginning of religious journalism but does not discuss the its subject matter. The best volume on the southern religious press is Henry Smith Stroupe, *The Religious Press in the South Atlantic States, 1802-1865* (Durham: Duke University Press, 1956). Stroupe's work, however, is a bibliographic directory to the newspapers, not a history of them. The *Biblical Recorder* is the topic of Stroupe's M.A. thesis, "History of the *Biblical Recorder*, 1835-1907, As Recorded in Its Files" (M.A. thesis, Wake Forest College, 1937). The thesis makes little mention of the *Recorder's* agenda of promoting women, and focuses upon the slavery issue during the 1845-1861 period.

13. Ralph A. Keller, "Methodist Newspapers and the Fugitive Slave Law: A New Perspective for the Slavery Crisis in the North," *Church History* 43 (1974), 319.

14. Guion Griffis Johnson, *Ante-Bellum North Carolina. A Social History* (Chapel Hill: The University of North Carolina Press, 1937), 764.

15. No circulation records exist for the *Biblical Recorder* during its formative years, but its success called for the addition of extra columns just prior to the Civil War. No other denominations in North Carolina produced a periodical until the 1850s.

16. Boston, in the 1740s, was a city divided on the validity of religious revival. Ministers like Charles Chauncy vehemently opposed the changes in religion that were taking place. Others, like the overzealous James Davenport and New York itinerant Gilbert Tennent, supported revival. From 1740-1745 the Boston clergy argued over the itinerants' call for conversion and their attacks against the established clergy.

17. George Whitefield was an Anglican itinerant preacher who preached in the American colonies on seven different tours from 1739 until his death in 1770. Scholars disagree on the dates of the Great Awakening. Some consider it an event encompassing twenty years, 1730-1750. Others, like Edwin Scott Gausted, *The Great Awakening in New England* (New York: Harper and Brothers, 1957), 57, believed the Great Awakening lasted only two years, from 1740-1742. All, however, credit Whitefield with being the revival's real spark.

18. Sam G. Riley, and Gary Selnow, "Southern Magazine Publishing, 1764-1984," *Journalism Quarterly* 64 (1988): 900.

19. The Second Great Awakening or the Great Revival are the names given the religious revival that erupted as the eighteenth century gave way to the nineteenth century. Preachers like Timothy Dwight stirred revival in the North, but that revival paled in comparison with the religious renewal that grew from the preaching of men like James McGready and Barton W. Stone in the area of Cane Ridge, Kentucky. That revival spread eastward and southward to renew religion that had grown, for the most part, dormant. The Baptists, Methodists and Presbyterians developed into the dominant American denominations with this revival. The Second Great Awakening flourished through camp meetings and helped spawn interest in missions, morals and temperance in America.

20. Stroupe, *The Religious Press*, 4-5. Stroupe, in his introduction, provides a chronological essay of the development of the Southern religious press. The papers and their publishers are the focus.

21. Lemuel Burkitt, and Jesse Read, *A Concise History of the Kehukee Baptist Association from its Original Rise Down to 1803*, revised by Henry L. Burkitt (Philadelphia: Lippincott, Grambo and Company, 1850).

22. Two papers, the *North Carolina Evangelical Intelligencer* and the *North Carolina Telegraph*, failed to gather a following in the state during the 1820s. *See* Johnson, 801.

23. *Presbyterian* (Philadelphia), 1854, quoted in C. C. Goen, *Broken Churches, Broken Nation. Denominational Schism and the Coming of the American Civil War* (Macon: Mercer University Press, 1985), 36.

24. *Minutes*, Baptist State Convention of North Carolina (Raleigh, 1837), 11.

25. *Minutes*, Baptist State Convention of North Carolina (Raleigh, 1859), 28.

26. *Biblical Recorder* (Raleigh), 5 January 1850. No subscription records exist for the *Recorder*. There is occasional mention of numbers in the Baptist State Convention minutes and in 1870, publisher J. H. Mills mentioned printing 2112 editions.

27. Frank Luther Mott, *A History of American Magazines, 1865-1885* (Cambridge: Harvard University Press, 1967), 66.

28. Johnson, 775.

29. Mott, *American Journalism*, 513.

30. A study of the content of the *Biblical Recorder*, in five-year increments from 1845-1860 reveals the breakdown of articles.

BIBLICAL RECORDER CONTENT, 1845-1860

	1845		1850		1855		1860	
	Rel.	Non-Rel.	Rel.	Non-Rel.	Rel.	Non-Rel.	Rel.	Non-Rel
No. items	76	98	76	142	111	82	126	173

To determine the content of the *Recorder*, the first paper of January, April, July and October for each of the test years was read, and the articles categorized. In the religious category are articles that deal with denominational issues or those of importance to the Protestant body catholic. The religious classification also includes announcements--obituaries, ordinations, meetings, marriages and anything else that might be considered a public notice. Most of these deal with Baptists, but the announcements did not always have religious implication. They were still placed in this category. The other classifications include state, national and foreign news; agriculture; finance; media;

medicine and science; arts, literature, history and foreign travel; domestic, home and general advice; women, and education. At times, the content of these general classifications had religious implications, but it was more of an exhortation towards proper life than a question of theology or church belief.

31. The masthead of the *North Carolina Baptist Interpreter* and the *Biblical Recorder* stated these topics were the focus of their content.

32. Henry Smith Stroupe, *The Religious Press in the South Atlantic States, 1802-1865* (Durham: Duke University Press, 1956), 30, said the general reaction of the religious press to the Harper's Ferry raid was calm. That cannot be the case with the *Biblical Recorder*. The paper ran at least one story a week from October 27, 1859 through December 8. The *Recorder* even ran a pair of articles on Mrs. Brown.

33. *Biblical Recorder* (Raleigh), 3 November 1859.

34. The press' account and coverage of Brown's raid on Harper's Ferry, his subsequent trial and execution can be found in Stephen B. Oates, *To Purge This Land with Blood: A Biography of John Brown* (New York: Harper & Row, Publishers, 1970), 292-336.

35. *Biblical Recorder* (Raleigh), 8 December 1859, 27 October 1859.

36. Oates, 310, 311.

37. *Biblical Recorder* (Raleigh), 24 November 1859.

38. David Brion Davis, *From Homicide to Slavery* (New York and Oxford: Oxford University Press, 1986), 41-42.

39. Donald L. Shaw and John W. Slater, "In the Eye of the Beholder" Sensationalism in American Press News, 1820-1860," *Journalism History* 12 (1985): 86-91.

40. *Biblical Recorder* (Raleigh), 5 October 1850.

41. *Biblical Recorder* (Raleigh), 13 January 1854.

42. *Biblical Recorder* (Raleigh) 5 January 1850.

43. According to United States Census figures, North Carolina's urban population grew from 1.4 percent to 2.5 percent of the state's total population from 1830 to 1860. In 1830, only 10,455 of the state's 737,987 people were classified as city dwellers. In 1860, the state's population rose to 992,622, and only 24,554 of those residents were classified as urban residents. Hugh T.

Lefler and Patricia Stanford, *North Carolina*, 2nd ed. (New York: Harcourt Brace Jovanovich, Inc., 1972), 467.

44. Cornelius Oliver Cathey, *Agricultural Developments in North Carolina, 1783-1860* (Chapel Hill: University of North Carolina Press, 1956), 199; Wesley H. Wallace, "North Carolina's Agricultural Journals, 1838-1861: A Crusading Press," *North Carolina Historical Review* 36 (1959): 275.

45. Baptists differed from all of the major Protestant denominations existing at the beginning of the nineteenth century by insisting on believer baptism, as opposed to infant baptism practiced by Roman Catholics, Presbyterians, Methodists, Congregationalists and Episcopalians. Baptists felt that membership within the church could only be made by the person on a profession of faith. Hence baptism, as described by the Second London Confession of 1677, was an outward sign of an inward change. It was a sign of fellowship of the person with Christ "in his death and resurrection . . . of remission of sins; and of [the] giving up unto God through Jesus Christ, to live and walk in newness of Life." The completed manifestation of the outward sign was accomplished by total immersion of the person.

46. Landmarkism grew out of the rivalry of Baptists, Methodists, Presbyterians and other denominations. Its chief proponent was J. R. Graves, the editor of the *Tennessee Baptist* from 1848-1884. Graves published a book entitled *Old Landmarkism: What Is It?* In that book and in other writings by Graves and his compatriots, Landmarkism maintained that the Baptist faith represented the only true church. It could be traced directly to Apostolic times. Landmarkism also played upon Baptist polity that recognized the autonomy of the local church. Because there was no church authority other than the local body, Landmarkism promoted non-affiliation with non-Baptists, closed communion, rejection of baptism other than immersion of believers, and rejection of the need of missions. Campbellism grew out of the Great Revival at the beginning of the century. Presbyterian minister Alexander Campbell, whose practices ultimately founded the denomination the Disciples of Christ, accepted the concept of believer baptism in 1812. Soon, Campbell's sermons had Baptist congregations dividing over the authority of scripture. He rejected the Old Testament's authority. He also taught that baptism completes the salvation process and that any confession of faith, something Baptists were prone to create, was anathema.

47. *Biblical Recorder* (Raleigh), 4 January 1845.

48. *Biblical Recorder* (Raleigh), 13 December 1860.

49. *Biblical Recorder* (Raleigh), 29 May 1861.

50. During the antebellum period some southern ministers and college presidents realized that women, at least intellectually, were not inferior to men. They began to advocate a more serious and thorough education for females. Anne Firor Scott, *The Southern Lady. From Pedestal to Politics 1830-1930* (Chicago and London: The University of Chicago Press, 1970), 67.

51. Catharine E. Beecher, *The Evils Suffered by American Women and American Children: The Causes and the Remedy* (New York: Harper & Brothers, Publishers, 1846), 3.

52. Lawrence A. Cremin, *American Education, the National Experience 1783-1876* (New York: Harper & Row, Publishers, 1980), 103. For a full discussion of sectarian education during this period see 107-147. Jane Turner Censer, *North Carolina Planters and Their Children, 1800-1860* (Baton Rouge and London: Louisiana State University Press, 1984), 43-44.

53. Censer, 46; Barbara Welter, "The Cult of True Womanhood, 1820-1860," *American Quarterly* 18 (1966): 151-174; Mary P. Ryan, *Cradle of the Middle Class. The Family in Oneida County, New York, 1790-1865* (Cambridge: Cambridge University Press, 1981), 235-238.

54. Ryan, *Cradle of the Middle Class*, 238; Jeanne Boydston, "The Pastorialization of Housework," in Linda K. Kerber and Jane Sherron De Hart, *Women's America*, 3rd ed. (New York and Oxford: Oxford University Press, 1991), 150-151.

55. John S. C. Abbott, *The Mother at Home; or, the Principles of Maternal Duty Familiarly Illustrated*, revised and corrected by Daniel Walton (London: John Mason, 1834), 166, quoted in Cremin, 65.

56. *Mother's Monthly Journal* (January 1836), 10, quoted in Ryan, 101.

57. Laurel Thatch Ulrich, "Vertuous Women Found. New England Ministerial Literature, 1668-1735," in *Women in American Religion*, Janet Wilson James, ed. (Philadelphia: University of Pennsylvania Press, 1980), 67.

58. *Biblical Recorder* (Raleigh), 2 November 1850.

59. The *Biblical Recorder* (Raleigh), 5 October 1850. Since 1930, journalism scholars have studied readership patterns to determine which gender reads certain types of stories in newspapers. George Gallop, "A Scientific Method for Determining Readership-Interest," *Journalism Quarterly* 7 (1930), 11 discovered that woman read serial type stories, obituaries, marriages, births and health columns nearly twice as often as men. These types of articles appeared consistently in the *Recorder*. In addition, a

1978 study, David H. Weaver, and John B. Mauro, "Newspaper Readership Patterns," *Journalism Quarterly* 55 (1978), 87 demonstrated that women preferred service items and human interest stories over men. They even read a large amount of local, state and national stories, crime and accident news, and military information. While these studies are based on twentieth-century newspapers, it is a reasonably safe assumption to say the same held true in the antebellum period, especially given the prominence of women within in the church and the unfolding nature of the religious press.

60. Gallop, 11. Announcements made up just over 16.5 percent of the *Recorder* from 1845-1861. Gallop, in his 1930 readership study, found that the readers of these types of news were made up of a surprising large number of women.

61. *Biblical Recorder* (Raleigh), 5 January 1850.

62. Mathews, 120; James Leloudis, "The *Southern Lady's Companion*, 1847-1854: A Study in the Subversion and Modification of the Southern Model of Women" (Honors thesis, University of North Carolina at Chapel Hill, 1977), 51; Eleanor Wolf Thompson, *Education for Ladies, 1830-1860: Ideas on Education in Magazines for Women* (Morningside Heights, NY: King's Crown Press, 1947), 39.

63. *Biblical Recorder* (Raleigh), 5 January 1850.

64. *Biblical Recorder* (Raleigh), 10 May 1850.

65. *Biblical Recorder* (Raleigh), 6 January 1854.

66. Mathews, 101; Gillespie, 148-149.

67. *Biblical Recorder* (Raleigh), 2 November 1850.

68. *See* Ann Douglas, *The Feminization of American Culture* (New York: Alfred A. Knopf, 1977), 74; and Welter, *Dimity Convictions*, 41.

69. *Biblical Recorder* (Raleigh), 6 April 1850.

70. "Female Piety" embraces the concept that wherever woman was--and we can assume that where she was was in the home--her devotion to family and God produced a sanctuary of safety for the entire family. Her selfless giving produced a calm an protection; therefore, she was glorified. As Jeanne Boydston explained, the glorification of wife and motherhood lay at the heart of the nineteenth-century belief system. This concept of gender spheres, as Boydston and others call the domain of nineteenth-century women, produced a near universal uplifting of American women. Widely read works of the period like Horace Bushnell's *Views of*

Christian Nurture and Heman Humphrey's *Domestic Education* promoted these concepts along with a multitude of other works. Daniel C. Eddy wrote, "Home is woman's throne, where she maintains her royal court, and sways her queenly authority" (Boston, 1857), 23.

71. *See* Linda K. Kerber and Jane Sherron De Hart, eds., *Women's America*, 3rd ed. (New York and Oxford: Oxford University Press, 1991), 9-22; Ryan, 98-104; Cremin 64-66.

72. *Biblical Recorder*, 5 September 1855.

73. Matthew 21:42; Mark 12:10; Luke 20:17; quoting Psalm 118: 22-23. The same concept is reiterated in Acts 4:11 and 1 Peter 2:6-7.

74. Acts 4:12.

75. Ephesians 2:20-21.

76. Although it hails from a slightly later time period, the *Chicago Tribune* offers an excellent example of the secular press' treatment of religion. The *Tribune*, in the 1870s, ran articles on religion nearly every day and usually had an entire page in a 12-16 page paper devoted to religious items.

77. *Baptist Courier*, 14 May 1885, quoted in H. Leon McBeth, *Women in Baptist Life* (Nashville: Broadman Press, 1979), 102.

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OVER

THE STAMP ACT PRESS:

THE FIRST TRUE MASS MEDIUM

by Julie Hedgepeth Williams
Department of Journalism
University of Alabama
Tuscaloosa, AL 35487

Presented to the American Journalism Historians Association,
1992 national convention; Lawrence, Kansas

The Stamp Act Press: The First True Mass Medium

by Julie Hedgepeth Williams
University of Alabama

The war against the French and their savage allies the Indians had been expensive. Monstrously expensive. Britain had poured out the treasury to save the American colonies from becoming French outposts.

As the House of Commons saw it, anyone would be grateful to be spared such a dread fate.[1] Americans indeed heaved a sigh of relief that the long war was finally over. What they did not know was that the House of Commons was planning to make them pay. Great Britain, nearly bankrupted by war, was looking for revenue. What more likely place to raise it than those expensive colonies half a world away? It seemed logical. The people there should be grateful for their sure defense.

But this time, for the first time in the short history of America, an unexpected ingredient was added to the taxation recipe. For the first time, Parliament faced a real mass medium on the howl. When the British Parliament decided to tax paper goods by imposing a Stamp Act in the American colonies, American newspaper editors for the first time joined as one to protest. As individuals, they had seen governmental injustice before; as individuals they had commented on it and taken swipes at the wrongdoers. But this time, in 1765, with the advent of the Stamp Act, the individual members of the press joined as one. Thus, the press became a true mass medium. With that metamorphosis of the press, the Stamp Act was doomed.

Literature Review

Historians have usually considered the Stamp Act press as a phenomenon of unanimity. Intrigued by the unison voice of the press against the stamp tax, historians have sought an explanation of why the press was so single-minded.

Interpretations of that single-mindedness have fallen between two extremes on a continuum: patriotism and economics. Historians such as Clyde Duniway, writing in 1906, spoke glowingly of "the 'patriot' leaders in their 'campaigns of education'" against the new tax.[2] By 1935, Arthur Schlesinger perceived some economic motivation in the press's reaction to the Stamp Act.[3] Later historians described the Stamp Act media as a propganda tool which printers used for both their personal economic benefit and for the benefit of societal ideals. Philip Davidson wrote in 1941 that "The finest instance of the propagandists' activity [in the Revolutionary era] was the development of the colonial newspaper press."[4] Likewise, William Steirer, writing in 1976, said that "many [Stamp Act] journalists slowly -- but intentionally -- began to shape men's thinking and behavior."[5]

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[1] The Sugar Act, 5 April 1764, in Edmund S. Morgan, ed. *Prologue to Revolution: Sources and Documents on the Stamp Act Crisis, 1764-1766* (New York: W.W. Norton, 1959), 4.

[2] Clyde Augustus Duniway, *The Development of Freedom of the Press in Massachusetts* (New York: Longman, Green, and Co., 1906), 123.

[3] Arthur M. Schlesinger, "The Colonial Newspapers and the Stamp Act," *New England Quarterly* 8 (1935): 63.

Historians' conclusions about the Stamp Act press pulled further away from the patriotic glow of Duniway with the introduction of a skeptical school which described printers as reacting reluctantly to the tax. Schlesinger, this time writing in 1958, described printers as being dazed and indecisive about the Stamp Act, due to the fact that their profession at that point had no tradition of defying the law. Printers did not automatically see a patriotic "ideal," and they were afraid to risk their businesses on the unknown.[6] Francis G. Walett also noticed a reluctance on the part of Stamp Act printers. He said the press wanted popularity --and the financial security it created -- above all else. It took time for printers to believe that they could shape public opinion.[7]

In 1980, Stephen Botein offered a purely economic interpretation of the Stamp Act press. He described the tax as a difficulty which threatened printers' livelihoods. Botein concluded that the most successful printers at the time of the Stamp Act were those who exploited the situation for economic gain.[8]

Historical studies have by and large examined the Stamp Act press as either a patriotic fighter or a victim of economics. In general, historians have neglected the concept that the Stamp Act press was successful because it was the first true mass medium in America.

The Stamp Act's Beginnings

The first rumblings of a stamp tax began in 1764. Rumors of an American Stamp Act surfaced during the Sugar Act controversy of 1764. The sugar tax was needed, Parliament explained, to defray the costs of protecting and defending America.[9] Worse, America was also under consideration for a Stamp Tax similar to one which had been in effect in Britain for a long time.[10]

The colony of New York leaped to its own defense against the sugar tax and hinted at Stamp Act arguments yet to come. "It is therefore with equal Concern and Surprize," the General Assembly said, that Parliament planned ". . . to impose Taxes upon the Subjects *here*, by Laws to be passed *there* . . . ."[11]

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[4] Philip Davidson, *Propaganda and the American Revolution* (Chapel Hill: University of North Carolina Press, 1941), xiii.

[5] William F. Steirer, Jr., "Riding 'Everyman's Hobby Horse': Journalists in Philadelphia, 1764-1794," in Donovan H. Bond and W. Reynolds McLeod, eds., *Newsletters to Newspapers: Eighteenth-Century Journalism* (Morgantown: School of Journalism, West Virginia University, 1977), 266.

[6] Arthur M. Schlesinger, *Prelude to Independence: The Newspaper War on Britain, 1764-1776* (New York: Alfred A. Knopf, 1958), 69.

[7] Francis G. Walett, "The Impact of the Stamp Act on the Colonial Press," in Bond and McLeod, 162, 166-167.

[8] Stephen Botein, "Printers and the American Revolution," in Bernard Bailyn and John B. Hench, eds., *The Press an the American Revolution* (Worcester, Mass.: American Antiquarian Society, 1980), 23-25, 29-30, 40.

[9] The Sugar Act, in Morgan, 4.

[10] Thomas Whately, *The Regulations lately Made concerning the Colonies and the Taxes Imposed upon them, Considered* (London, 1765), in Morgan, 18.

[11] New York General Assembly, Petition to the House of Commons, 18 October 1764, quoted in Morgan, 8-11.

Sugar Act protesters such as the New York Assembly were insistent that they, as Englishmen, had a right under the British constitution to levy their own taxes through representatives. Protesters complained that no Americans sat in the House of Commons. That protest was attractive to Americans who did not feel they could afford any more taxes. The principles stated by the anti-Sugar Act factions would resurface quickly with the advent of the Stamp Act.

The Sugar Act had stirred up ideological passions and planted the idea in Americans' heads that they weren't being treated like Englishmen. When all was said and done, however, the American press did not become as inflamed over the Sugar Act as it did over the Stamp Act.

After all, the Stamp Act, which followed on the heels of the Sugar Act, hit printers squarely in the pocketbook. That is what the king and Parliament hadn't counted on: the press, for the first time in American history, unleashed its fury in unison voice, lashing back from the sting of the Stamp Act's unfairness . . . and expense. There was no disagreement at all among colonial newspaper editors. They all hated the Stamp Act. No one spoke up in favor of the Stamp Act. A few editors printed the other side of the story, but only grudgingly. Every one of the colonial printers emphasized the anti-Stamp Act sentiment which they themselves felt.

Mass protests did not spring into being right away. Instead, the colonies rumbled with fits of discontent here and there as people realized that the Stamp Act might affect their trade, their profit margin, their cash flow. A few voices piped up to suggest that the proposed act might not be a good idea. Printer Samuel Hall in Newport, Rhode Island, published the early arguments. He reported late in 1764 that the government of Rhode Island was disturbed about a proposed Stamp Act. "Among other things," Hall told the readers of his newspaper, "they voted an Address to his Majesty, respecting the Stamp Duties. . . . and the Grievances they are already subjected to by the late Act of Parliament." The General Assembly also sent the colonial agent in Britain an essay "on the Rights of the Colonists. . . that he may print it, or make such Use of it as he shall think best."[12]

With that plan, the General Assembly of Rhode Island helped chart the course that the coming Stamp Act protest would take. The Assembly hoped that Rhode Island's agent could have the anti-Stamp Act document put into print. Printing would be ideal for spreading their discontent.

The idea that printing might have an influence was appealing to journalists. *The Georgia Gazette* , quoting *The Pennsylvania Gazette*, bawled at the supporters of the Stamp Act who dared show their heads, "Can they think to escape the *Scourge of tongues*, or that they will not be burlesqued and *pasquinaded* in every *Newspaper*, and lampooned by every *Pamphleteer*?"[13] Taking another tack, Providence's feisty William Goddard was quick to stir up trouble about the proposed Stamp Act. He was closing his *Providence Gazette; And Country Journal* for financial reasons, but he had the nerve to lay part of the blame for his woes on the yet-unborn Stamp Act. He told his readers he would attempt to revive his paper in six months "provided the oppressive and insupportable STAMP-DUTIES, with which the colonies are threatened, should not, with the utter Ruin of the PRESS and PEOPLE, render it altogether impossible."[14]

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[12] *The Newport Mercury* (Newport, R.I.), 26 December 1764.

[13] *The Georgia Gazette* (Savannah), 7 November 1765. *The Pennsylvania Journal* article quoted came from the 5 September 1765 issue.

Parliament drew up The Stamp Act on March 22, 1765, to become law in the colonies on November 1 of that year. The levy varied according to the item taxed. Court papers were taxed at a rate of three pence per paper. Bail bonds cost two shillings. Petitions, bills, and other such papers from the court of chancery or equity cost a shilling and six pence. The list went on from there to include such items as retail licenses for selling wine, probates of wills, deeds, playing cards, dice, newspaper advertisements, almanacs and calendars. The tax list included just about any conceivable item that could be made of paper or skin or vellum or parchment. [15]

Naturally enough, the Stamp Act also included a tax on pamphlets and newspapers. The price varied according to the size of the paper used to print the item, with a tax of a halfpenny on half-sheet papers and pamphlets; a penny for whole sheets; and a shilling per page of anything over a whole sheet size.[16]

The Stamp Act hit a lot of people pretty hard. Newspaper publishers especially took the act bitterly, as it would cost them both for their actual product and for any customers who wished to advertise. That's where Parliament made its mistake. The Sugar Act had been annoying, but the Stamp Act was directly linked to an angry public medium, a whole profession of printers who were itching to vent their wrath about their increased costs.

Nervous and angry printers perceived that their livelihoods were in the balance. Their newspapers might be taxed out of existence if people couldn't afford to buy them. Furthermore, the printers' non-news products, such as blank court forms, were victims of the act. It was natural to lash out. Printers' pocketbooks were affected, and that helped them seize quickly on the recent ideological arguments of the Sugar Act. The freshly remembered Sugar Act was convenient. Like the Sugar Act, the new Stamp Act had been levied without Americans' consent. The American people had no direct representation in Parliament.

That point, of course, was open to debate. As some Britons saw it, Americans most certainly were represented by members of Parliament, who conceptually represented everyone in the realm of Great Britain.[17]

That argument didn't impress too many Americans, and especially not the hard-hit members of the media. Printers simply did not let the subject rest. Even while the *Providence Gazette* was out of business, William Goddard and his mother Sarah managed to put out an "Extraordinary" edition of the *Gazette* on August 24, 1765, for the express purpose of complaining about the now-serious threat of a Stamp Act. Sarah and William flagged their paper with the assumption that their *Gazette* spoke the true views of Rhode Islanders, and furthermore, that the *Gazette* and the people spoke for the Almighty. "*Vox Populi, Vox Dei*," they proclaimed in the flag, adding beneath, "*Where the Spirit of the LORD* is, *there* is *LIBERTY*."[18]

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[14] *The Providence Gazette: And Country Journal* (Providence, R.I.), 11 May 1765.

[15] The Stamp Act, 22 March 1765, quoted in Morgan, 35-43.

[16] Ibid., 40-41.

[17] See, for instance, Whately's argument to this effect, in Morgan, 21-22.

[18] *The Providence Gazette; And Country Journal*, 24 August 1765. The Latin phrase said roughly, "Voice of the People, Voice of God."

The Goddards swore they would start up the *Gazette* regularly again once a new paper mill in the area was finished, and they vowed they would never charge Stamp Act prices for their newspaper. Their *Gazette* proclaimed that Connecticut Stampmaster Jared Ingersoll was a "vile Miscreant," and they printed a letter from "Colonus," who predicted that colonists could soon say adieu to liberty and to "every Privilege which our brave Ancestors, when driven from the Mother country, fought, found, and 'till of late fully enjoyed in America." Colonus observed that across the colonies, people were trying to take lawful measures to stop the advancing Stamp Act in its tracks. "This laudable Zeal hath burnt into a Flame in BOSTON," Colonus reported.[19]

The report on Boston was colorful. Zealous fighters had hanged an effigy of the stampmaster with a handwritten threat attached: "*He that takes this down is an enemy to his Country.*" A couplet was also affixed:

What greater Joy can NEW-ENGLAND see,
Than STAMPMEN hanging on a Tree! [20]

The Rhode Island newspaper's detailed report from Boston was indicative of things to come as the Stamp Act drew near. Colonial papers had always swapped news with each other. And therefore, with anti-Stamp Act fervor heating to fever pitch, residents of any colony who happened to have access to a newspaper knew exactly what everyone in every other colony thought of the Stamp Act. And printers, so desperately hurt by the Stamp Act, were eager to reprint negative reactions to the tax from elsewhere in support of their own negative opinions.

Printers were not hesitant to express their opinions. Benjamin Edes and John Gill, publishers of the *Boston-Gazette*, commented in their newspaper, "[W]e hope the [stamped] Papers will never be seen in America." They added a short anti-Stamp Act rhyme, noting that they intended "to recommend it to the notice of every free born son of *AMERICA*."[21]

Edes and Gill were also good businessmen; there was money to be made off the Stamp Act, and they knew it. Accordingly, they sold copies of the Stamp Act itself to anyone who cared to read it.[22] They also called for feedback from their readers on the Stamp Act, but they had already had enough feedback to know that their readers were distressed to hear of Stamp Act-related panic in Marblehead.[23] It seemed that couples in Marblehead -- twenty-two couples altogether -- had suddenly made arrangements to marry in order to avoid paying the stamp tax on related legal documents.[24] Also, word had somehow gotten out that a Marblehead businessman was not averse to the Stamp Act, and that rumor had so besmirched his name that he had to publish an ad pleading:

> [The] Report is a very great Mistake; for I have determined, and still do determine, that I will not take or use [stamps], unless People in general do it, being under no Necessity for such a Conduct in the course of my Affairs:--

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[19] Ibid.

[20] Ibid.

[21] *Boston-Gazette* (Boston, Mass.) 21 October 1765.

[22] Ibid., 14 October 1765.

[23] Ibid., 21 October 1765.

[24] Ibid., 14 October 1765.

-And I am fully convinced it is the Opinion of the People in Trade in this Town, to conduct themselves in the Same Manner, notwithstanding what has been said to the contrary."[25]

Edes and Gill were well aware that few people in the colonies were happy about the Stamp Act. As other colonial printers did, Edes and Gill made sure their readers knew that most of America was sore about the Stamp Act. The editors published the actions of the Maryland House of Delegates in condemning the Stamp Act,[26] and they printed a lament written in Philadelphia: "...farewell, farewell liberty!--- AMERICA AMERICA doomed by a premature sentence to slavery!"[27]

Far away in Georgia, settlers on the colonial frontier found out that more established areas of America were angrily protesting the oppressive Stamp Act. The *Georgia Gazette's* publisher, James Johnston, reported to his Southern readers that New Jersey lawyers had resolved to lose business rather than use stamps. Johnston threw in his two cents' worth in italics: "*A noble resolution, worthy of universal imitation!*"[28]

Johnston was facing a terrible setback if the Stamp Act went into effect. His *Gazette* was new; his readers undoubtedly were not too accustomed to a newspaper and thus might easily give it up in the event of increased Stamp Act prices. Johnston knew that the Stamp Act could prove his financial ruin if he had to absorb the extra cost or if he passed the tax to the public. Johnston accordingly announced his intention to shut the *Gazette* down.[29] A week later he had changed his mind and announced, "[W]e shall continue printing the same as long as we are allowed to make use of unstampt paper."[30]

Georgians may have been strangers in a remote wilderness, but they had an idea, thanks to the *Gazette*, of what was going on in their own colony and elsewhere. Johnston had quite an eye for the entertainingly dramatic, and he included Stamp Act news of that nature in his newspapers. For example, he reported a Philadelphian's lament on the Stamp Act, which ended abruptly with the wail, "--but I cannot proceed--tears of vexation and Sorrow stop my pen.--O! my country, my country!"[31] He also printed a clever obituary from the *American Chronicle* of Boston:

> The 7th of February 1765, died of a cruel Stamp on her vitals, lady N--th A-----an Liberty. She was descended from the ancient and honourable family of the BULLS. . .
>
> She was of a good and amiable disposition, and always conducted herself in the most dutiful manner. . . . Unhappily for her, her mother, some years since, conceived an irreconcilable jealousy against her, on account of a foreign gentleman who called himself Commerce.[32]

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[25] Ibid., 21 October 1765.

[26] Ibid.

[27] Ibid., 14 October 1765.

[28] *Georgia Gazette*, 14 November 1765.

[29] Ibid.

[30] Ibid., 21 November 1765.

[31] Ibid., 14 November 1765.

[32] Ibid., 31 October 1765.

The article next introduced the French king, styled "Lewis Baboon," who tried to lay claim to lands given to America by Bull. A long and expensive quarrel followed, and the Bulls won America for all time. But Mama Bull got jealous over Commerce, who by now was paying a great deal of attention to daughter America. Mrs. Bull

> accordingly issued out orders that her servants should take her and stamp her in so barbarous a manner that she should not survive the wounds. . . . Thus died the most amiable of women, the best wife, the most dutiful child, the tenderest mother . . .[33]

Johnston wasn't the only one to print such fanciful personifications of the Stamp Act. Daniel and Robert Fowle, who ran *The New-Hampshire Gazette, and Historical Chronicle,* clipped "A Remarkable DREAM" from the *Boston Evening Post*. In this dream, various paper items, soon to be wronged by the Stamp Act, gathered 'round and pleaded their case. The plaintiffs included such characters as the Bond, Papers of the Court, Summons and Writ, Probate Papers, the Diploma, Licence Paper, the Almanack, and of course, the Newspaper. Newspaper addressed the others:

> Oh hard indeed must my fate be,
> If from the D---l's foot I mayn't be free,
> To hear the D---l's Tail's enough for me.
> Who of you all has shown a readier mind,
> At once to please. . . all mankind?
> I travel far and near, the world I range
> And carry with me all that's new and strange.
> Advices of importance I convey,
> As well as merry tales, to please the gay.
> Must I be burden'd by the cruel St--p,
> Which will my spead, & progress greatly cramp?

The piece concluded, "He sigh'd and said no more." The Fowles had to explain to their readers that a Devil's Tail was a vulgar name for part of a printing press.[34]

On day the dreaded Stamp Act went into effect, the Fowles also quoted with a certain amount of wry glee the obituary that the publisher of the *Maryland Gazette* had written for his paper, which was dying from the Stamp Act. It read, "The Maryland Gazette, which has been in a declining State for Some Time past, expir'd on Thursday the 10th ult. in uncertain Hopes of a Resurrection to Life again. Aged 1066 weeks."[35]

The New-Hampshire Gazette, while not quite expiring as had *The Maryland Gazette*, at least had a dirge to sing for the untimely death of liberty. The Fowles published as their lead article that day "The LAMENTATION Of the

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[33] Ibid.

[34] *The New-Hampshire Gazette, and Historical Chronicle* (Portsmouth, N.H.) 25 October 1765.

[35] Ibid., 31 October 1765.

NEW-HAMPSHIRE GAZETTE, in particular, and the PRESS in general, On a *Suspicion* of losing their LIBERTY." The lament filled part of page one and most of page two. The dirge mourned that the *Gazette*

> *must Die*, or submit to that which is worse than Death, be *Stamp'd*, and lose my Freedom--Will all the good Deeds I have done signify nothing? If the whole Kingdom of England would save my Life, I am unable to live *under* this Burden; therefore I must *Die!*--O unhappy that I am--. . . .[36]

The publishers outlined the *Gazette* dramatically in mourning lines and proclaimed above the flag, "This is the day before the never-to-be forgotten STAMP ACT was to take place in *America.* They added in an article which they had written themselves, "We are now arrived at the Eve of that remarkable Day, which is appointed to be as fatal to almost all that is dear to us, as the Ides of *March* were, to the Life of *Caesar*. . . . A Day on which our Slavery is to commence. . . ."[37]

With all the Fowles' drama and dirges, their efforts were eclipsed by the *Pennsylvania Gazette; and Weekly Advertiser* , whose publisher, William Bradford, used his imagination and a flair for graphics to make a striking statement about the effects of stamps on his newspaper. He made up the front page of October 31, 1765, to look like a tombstone. It featured a skull and crossbones and digging tools in an arch over the flag, true to tombstone form. In that issue of the paper, Bradford included a mourning chant in Gothic type: "The TIMES are Dreadful, Dismal Doleful Dolorous, and DOLLAR-LESS." On the front page the printer also offered his readers a fanciful illustration of a stamp -- a skull and crossbones with "O! the fatal Stamp" written below it. Under the flag, he told his readers eloquently that the Gazette was dying as of October 31, 1765. "EXPIRING:" he wrote, "In Hopes of a Resurrection to LIFE again." He blamed the suspension of his paper both on the economic "Burthen" and for the need for him to "deliberate, whether any Methods can be found to elude the chains forged for us, and escape the insupportable Slavery. . . ."[38]

All around the provinces, newspapers were stirring up anti-Stamp Act sentiment and adding fuel to the anti-Stamp Act fire. Editors showed their wrath by making sure everyone relived the most dramatic Stamp Act protests by reading them in colorful detail in the newspaper. It didn't matter if a colonist lived in Georgia. He still knew exactly what hotheaded protesters were doing in New Hampshire.

Newspaper editors selected their ammunition very carefully. J. Royle, for instance, proprietor of *The Virginia Gazette*, put out a "SUPPLEMENT Extraordinary" the week before the Stamp Act's inauguration to present a thorough and well-reasoned argument from Boston against the sale of stamped paper. The article quoted a speaker, who warned, "this province seems to me to be upon the brink of a precipice, and that it depends upon you to prevent us falling."[39] The speaker was in Massachusetts, but as far as Royle was concerned, he was speaking of Virginia as well. The dangers inherent in the Stamp Act in Boston were just as dangerous in Virginia. The report threatened that after the Stamp Act went into effect, "trade and navigation shall cease, by the shutting up the ports of this province for want of legal clearances." It predicted dire hardships for tradesmen and their families.[40]

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[36] Ibid.

[37] Ibid. The text appeared to be written by the printers, as it had no signature and no dateline from another city.

[38] *The Pennsylvania Gazette*, (Philadelphia), 31 October 1765.

[39] *The Virginia Gazette* (Williamsburg), 25 October 1765.

Other protests were not so eloquently put, but they were protests just the same. From North Carolina, for example, Royle learned that "the Gentleman appointed Distributor of Stamps for that province had resigned his office, on finding how disagreeable it was to the people, who in general have shown as great a dislike to that law as the inhabitants of any of the other colonies have done." Twice in that issue, Royle printed hopeful speculation that the Stamp Act surely would be repealed quickly in London.[41]

Such exchanges of information from colony to colony or from London to the colonies were electrifying, unifying. A Boston lawmaker made a speech to the Massachusetts General Assembly and referred to a letter from the *Virginia Gazette*, which he used for inspiration. He complained, ". . . and what is the worst of all evils, . . . his Majesty's American subjects are not to be governed, according to the known stated rules of the constitution, as those in Britain are. . . ." The *Massachusetts Gazette* carried the speech -- and the *Virginia Gazette's* sentiments -- to its readers. The New England newspaper in the same issue quoted the *Maryland Gazette's* protest of the Stamp Act.[42] *The Massachusetts Gazette* also reported the Virginia House of Burgesses' protests against the Stamp Act, and it printed a juicy tale of a mob which harassed the Pennsylvania stamp distributor into agreeing not to distribute the stamps.[43]

Likewise, the *Connecticut Courant* gave close attention to colorful stamp protests in town -- but also kept its readers apprised of such news as the forced resignation of two successive stamp distributors in North Carolina[44] and protests in Virginia.[45]

Other papers followed the pattern of telling all the news available from other colonies regarding the Stamp Act. Georgians learned through *The Georgia Gazette* that Stampmaster George Saxby in neighboring South-Carolina had resigned. The dreaded stamp paper intended for Georgia, the *Gazette* announced, was already in Charlestown, South-Carolina, under the care of a Mr. Angus.[46] In similar fashion, *The New-Hampshire Gazette* filled its pages with protests from far-away places such as Philadelphia.[47]

Everywhere around the colonies, newspapers copied one another. Readers in every colony not only knew what was going on locally, but what was going on hundreds of miles away in other colonies or across the ocean. Sentiment caught fire like dry wood; soon the tide of feeling against the Stamp Act appeared to be overwhelming.

Despite the negative tidal wave in America, the Stamp Act went into effect on November 1. Printers who were daring enough to remain in business kept up the protests. Thomas Green kept printing the *Connecticut Courant* , despite the absence of stamped paper. But the stamps arrived. Green commented:

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[40] Ibid.

[41] Ibid.

[42] *The Massachusetts Gazette* (Boston), 31 October 1765.

[43] Ibid., 24 October 1765.

[44] *The Connecticut Courant* (Hartford), 30 December 1765.

[45] Ibid., 28 October 1765.

[46] *The Georgia Gazette* , 7 November 1765.

[47] *The New-Hampshire Gazette* , 25 October 1765.

> The Stamped Papers are now in the Harbour, and the Day is near at Hand, when this infamous Act is designed to take Place; but it is hoped that every Lover of his Country will spurn, with the highest Indignation, the base Thought of ever purchasing a single one; and despise, execrate and detest the wretch who shall presume to countenance the Use of them, in any way whatever.

Green added that the Stamp Act would "transmit to a numerous Posterity, the horrid chains of absolute Servitude."[48] Green didn't give up. As time wore on, he became vicious in his personal protests against the Stamp Act. When the Stamp Act was a good two months old, he reported that "A Letter from Barbados says, they are determined to seize all Vessels coming without Stamp-Paper," and he added himself, "*May they be without Provisions till the Stamp-Act is repealed. . .* ."[49]

Green clearly perceived the press as the vehicle by which the Stamp Act would be undone. As the new year rolled around, he reported with pride how "The True Sons of Liberty" had used a Boston newspaper as an agent in communicating the people's displeasure to the stamp officer. The newspaper had demanded a public resignation at a designated place and time, and it had won. It had forced the stamp officer to admit he detested the Stamp Act and would never do his Stamp Act duties.[50]

The American press's reaction to the enactment of the stamp tax was consistent. Publishers either refused to print with stamps or folded their papers until the storm blew over. Printers who continued publishing risked public and legal censure. For their part, Richard and Samuel Draper of *The Massachusetts Gazette* kept publishing after the Stamp Act went into effect. However, they pulled a trick that was sure to cover them in the event of legal questions. Their October 31, 1765, issue was numbered 3239, but their November 7 issue, a week after the Stamp Act took effect, was numbered zero. They issued papers under the number zero through May 15, 1766. Their May 22, 1766, issue picked up standard numbering again at 3268 and announced just below the flag, "*Friday last arrived here the Brigantine* Harrison. . . *who brought the important Accounts of the* REPEAL *of the* AMERICAN STAMP-ACT."[51] The Drapers offered no reason for the "zero" numbering, but it appeared as though a paper numbered "zero" was never really published and therefore could not cause legal troubles with stamp officers who required publication only on stamped paper.

Meanwhile, the Stamp Act was creating business woes for printers. South-Carolina's two rival printers fretted so much over what to do in response to increased Stamp Act prices that they wound up opening the door so that a third printer could start his own newspaper.

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[48] *The Connecticut Courant* , 28 October 1765. The unsigned piece was apparently written by Green himself.

[49] Ibid., 30 December 1765.

[50] Ibid., 6 January 1766.

[51] *The Massachusetts Gazette* , 24 October 1765 through 22 May 1766.

The new tax frightened Peter Timothy, editor and printer of Charlestown's *South-Carolina Gazette*, and Robert Wells, who held the same position across town at *The South-Carolina and American General Gazette.*

The Stamp Act was a crisis for Wells and Timothy -- so much of a crisis, in fact, that they called an uneasy truce in their ongoing rivalry in order to deal with the situation. They announced jointly:

> THE *Subscribers* to the GAZETTES need not be informed that the STAMP-ACT must necessarily occasion an advance in the price; they may be assured, however, that the *addition* will be as moderate as possible, and, that such as do not intimate their intention of discontinuing will be supplied, in the usual manner, after the act takes place.
>
> Every ADVERTISEMENT is subject to a duty of *Two Shillings* sterling, each time it is inserted, which the printers are to pay weekly, it will, therefore, be *absolutely necessary*, that READY MONEY be sent with all advertisements.[52]

The two *Gazettes* obviously intended to remain in business, in spite of the Stamp Act. Timothy and Wells were attempting to present a united front in the face of a great threat to their livelihoods.

But the men had no deep loyalty to each other, and hence no real concern about keeping their bargain. They began to waver in their resolve. The day before the Stamp Act was to go into effect, Wells mentioned off-handedly that he did not know "how long the approaching *Vacation* may continue," but that he would use the time off to collect his bills. It certainly sounded as though he intended to close the *General Gazette*, although he did allow for the possibility of continuing publication by mentioning the price of the paper if the Stamp Act were enforced.[53]

Meanwhile, Peter Timothy decided that continued publication of his newspaper would ruin him financially. On October 31 he ruled his *Gazette* in mourning lines and pointed out that he would do all kinds of "PRINTING-WORK that does not require STAMPS, *which are not to be had.*" He had made up his mind. He had informally polled his readers on the possibility of publishing with stamps, and they had insisted that they would not buy the *Gazette* if he published it anyway. He decided to suspend the *Gazette*. Timothy complained bitterly that it would be "impossible to continue it without great loss to the printer," since his subscribers "*almost to a man*" had promised not to buy stamped newspapers.[54] The next day, *The South-Carolina Gazette* was out of business, a victim of the Stamp Act.

Robert Wells, perhaps encouraged by the chance to publish Charlestown's only newspaper while Timothy was out of business, decided not to go on vacation after all, and he continued publishing the *General Gazette* as scheduled.[55]

The whole mess gave Charlestownian Charles Crouch an idea. Crouch had at one time been Timothy's apprentice, but a dishonest one; Crouch had run away from his apprenticeship and had gotten money to finance his flight by pretending to collect his master's bills.[56] Finally Timothy had fired him for drinking, gambling, and keeping scandalous company.[57]

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[52] *The South-Carolina Gazette* (Charlestown, S.C.), 19 October 1765. Wells's paper most likely carried the ad, too, but his paper of this time frame is not extant.

[53] *The South-Carolina and American General Gazette* (Charlestown, S.C.), 31 October 1765.

[54] *The South-Carolina Gazette*, 31 October 1765.

[55] The numbering of the issues of Wells's paper show that he continued to publish throughout the life of the Stamp Act. None of his papers survive from this period, however.

With Timothy's paper suspended, Crouch and his friends saw an opportunity to capitalize on the newspaper situation in Charlestown. Some gentlemen of the city approached Crouch about starting a paper to be published without stamps.[58] Crouch would risk legal trouble by publishing so deliberately without stamps, but then again, Crouch was a gambler.

Crouch got the new newspaper under way in short order. On December 17, 1765, he issued *The South-Carolina Gazette; and Country Journal.*[59] Defiantly, over the flag Crouch proclaimed, "No *STAMPED PAPER* to be had."[60] Below the flag, he reprinted the rallying cry from *The New-York Gazette*: "The united Voice of all His Majesty's *free* and *loyal* Subjects in AMERICA,-----*LIBERTY* and *PROPERTY*, and NO *STAMPS*."[61]

Crouch kept fighting the Stamp Act for as long as it lasted. So did other printers. With their livelihoods threatened, they turned out to be a stubborn lot. As far as they were concerned, time would not heal their wounds; only repeal would.

Parliament finally caved in on March 18, 1766. Making the excuse that "*the continuance of the said act would be attended with many inconveniences*" and might hurt commercial interests of the kingdom, Parliament issued a repeal to take effect on May 1.[62]

The Press as a Mass Medium

America had won a victory over the hated Stamp Act, largely through the efforts of its first mass medium. For the first time in America, it was as though everyone, everywhere, had a chance to see the primary issue of the day through the eyes of his or her neighbor, as reported in the press. And for the first time, every newspaper printer in America agreed wholeheartedly with his or her colleagues elsewhere. American printers unanimously protested the hardship and unfairness of the Stamp Act. They saw the Stamp Act as pure evil and expressed it that way. If any pro-Stamp Act sentiment dared lift its ugly head, the press squashed it flat, without the slightest doubt that the anti-stamp stance was the correct one.

Interestingly, the press chose to adopt the ideological stance of the anti-Sugar Act faction to combat the Stamp Act. The two acts obviously had a similar background and similar result, and the colonists had identical grievances against the acts. But there simply had not been the hue and cry about the Sugar Act that there was about the Stamp Act. Certainly the Sugar Act was a bone of contention, but ultimately it was the Stamp Act which Americans remembered with pride as the first breath of protest, revolution, and independence.

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[56] *The South-Carolina Gazette*, 5 February 1753 and 26 February 1753.

[57] Peter Timothy to Benjamin Franklin, 14 June 1754, in Leonard Labaree, ed., *The Papers of Benjamin Franklin* (New Haven, Conn.: Yale University Press,1959), vol. 5, 343.

[58] Peter Timothy to Benjamin Franklin, 3 September 1768, *The Papers of Benjamin Franklin*, vol. 15, 201.

[59] The first issue was actually *South-Carolina Gazetteer; and Country Journal* (Charlestown, S.C.), 17 December 1765. The "*Gazeteer*" was amended to "*Gazette*" shortly thereafter.

[60] Ibid. In the original, the line above the flag was bracketed.

[61] Ibid.

[62] The Act Repealing the Stamp Act, 18 March 1766, in Morgan, 155.

Because of the press, the Stamp Act set America on fire while the Sugar Act merely smoldered. The unanimous agreement of the press against the Stamp Act spread the anti-Stamp Act word quickly throughout the colonies. True, other organizations, such as the various houses of assembly, added their bitter voices against the Stamp Act. Those organizations played a vital role in whipping up anti-Stamp Act fervor. But far and away, the most wide-ranging cry against the Stamp Act came from the American press, which in turn reported the protests of the other organizations. Printers, threatened with severe financial hardship from the impending tax, saw November 1, 1765, as a day of death for their businesses.

But if printers feared losing everything they had, they realized clearly what they did have. They had their presses, their opinions, and a public readership. They knew they could combine those three things to their advantage.

Most striking of all in the process of bringing down the Stamp Act was the fact that the press spread its identical negative sentiment toward the stamp tax to all parts of America. Everyone in every town began to realize that the negative feelings were shared among regions, cities, and whole colonies. Undoubtedly this added legitimacy to the argument. Readers realized the Stamp Act protest was an American event, not just isolated disgruntlement in their own community.

Parliament had only a dim inkling in 1765 that the American colonies could ever get to know each other so well and so quickly as to learn to agree from each other. There had hitherto never been a true mass medium in America. All newspapers circulated in all colonies, and pamphlets circulated widely too, but there had never been such a unified voice of protest for the colonies.

That voice was born in the Stamp Act press. Colonial journalists, hit in the pocketbook as well as in principles, had to react. The stamp tax's severe threats to printers' well-being assured that printers were ready and willing to communicate negative Stamp Act news. And since printers already had a network of newspaper exchange in place, they were able to discover quickly what their fellow editors were uncovering in the way of Stamp Act protests.

The voice of protest thus spread from newspaper to newspaper, from town to town, from colony to colony. Thanks to the printers' personal stake in the situation, the tide of Stamp Act was exclusively negative. And in that manner, every American came to see an exclusively negative explanation of the Stamp Act and its ill effects.

The only similar media phenomenon up to that point had happened during the Great Awakening of the 1740s, when the colonial press had offered a trans-colonial look at the great, ongoing religious revival that was the Awakening. But editors had disagreed as to the importance or impact of the Awakening.[63] While the press spread news about the Awakening far and wide, it had not presented a consistent picture or interpretation. Thus, readers in Philadelphia had gotten a different point of view on the Great Awakening than had people in Williamsburg.

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[63] See, for example, a laudatory article on evangelist George Whitefield in *The New England Weekly Journal* (Boston, Mass.), 4 December 1739, and a negative article on Whitefield in *The Boston Gazette* (Boston, Mass.), 20 April 1741. Such conflicting examples abounded during the Great Awakening.

Although media coverage of the Awakening had been pervasive, it had not been in unison.

But the press did present a consistent, unvarying picture to all colonists at the time of the Stamp Act. In that way, the Stamp Act press became young America's first true mass medium, for it communicated the same ideas and the same stories to everyone, regardless of locality.

The birth of the first mass medium in America completely interrupted Britain's plans to levy a stamp tax to cover the costs of the French and Indian War. Parliament had never before levied a tax in the face of an angry mass medium. As Britons were fond of pointing out, Americans had readily accepted taxation from Britain in times past.[64] But in times past, America had not had a mass medium.

The Stamp Act died with the birth of the American mass media.

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[64] Whately, for instance, made this point. He is quoted in Morgan, page 19.

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OVER

COVERING THE BIG STORY: GEORGE WHITEFIELD'S FIRST PREACHING TOUR, NEWS MANIPULATION, AND THE COLONIAL PRESS

By

David A. Copeland

School of Journalism and Mass Communication
University of North Carolina
Howell Hall, CB 3365
Chapel Hill, North Carolina 27599-3365

421 Woodland Avenue
Wake Forest, North Carolina 27587
919-556-2380

Presented to the American Journalism Historians Association
for Its Annual Conference October 1-3, 1992
Lawrence, Kansas

COVERING THE BIG STORY: GEORGE WHITEFIELD'S FIRST PREACHING TOUR, NEWS MANIPULATION, AND THE COLONIAL PRESS

> Last Thursday the Rev'd Mr. Whitefield arrived by Land from Rhode Island, being met on the Road and conducted to Town by several Gentlemen. . . The next Day he preach'd in the Forenoon at the South Church to a crowded Audience, and in the Afternoon to about 5000 People on the Common. . .
>
> Boston *Weekly Post-Boy*, Sept. 22, 1740

When this announcement of George Whitefield's arrival in New England appeared in the Monday evening edition of the *Post-Boy*, it was not unique to that Boston paper. The same notice appeared in the *Boston News-Letter* three days later, in the *Pennsylvania Gazette* on October 2 and in the *South Carolina Gazette* on November 6. Similar notices ran in the other newspapers of the colonies as well. Whitefield's visit was news, and the rapidly growing colonial newspaper industry latched onto the itinerant preacher. George Whitefield, and the religious awakening he sparked, was the first major domestic news story[1] to affect every American colony from Georgia to New Hampshire.

Whitefield's first tour did not radically reshape newspaper practices in the colonies. Printers still relied upon European news, news from other newspapers and correspondents for the bulk of their news. Its lasting effect on the press in America cannot compare to the trial of John Peter Zenger five years prior, but unlike Zenger's trial, which received little to no press coverage,[2] Whitefield's visit and ensuing controversy filled newspapers with a host of letters to publishers advocating or condemning his Calvinistic message and his enthusiasm and style. Newspapers in New England erupted with religious confrontations in letter form for the next three years. The religious awakening, to which Whitefield played catalyst, burned upon the pages of those weeklies long after the twenty-six year old returned to England early in 1741.

Born in December 1714 to innkeeper parents in Gloucester, Whitefield never had the opportunity to know his father, who died when his son was two.[3] After attending Gloucester's Saint Mary de Crypts grammar school, Whitefield enrolled in Pembroke College, Oxford and became associated with John and Charles Wesley. The trio ventured to America in 1738 to evangelize the newly founded Georgia colony. The group soon returned home, and Whitefield vowed to come back and establish an orphanage. Before returning to America, Whitefield tried his hand at outdoor preaching to capitaliize on his powerful voice. The results were astonishing. Thousands crowded into fields to hear the young Anglican preach.

His preaching revolved around the Calvinistic concept of total depravity, man's inability because of sin to ever know or reach God. Whitefield built this message into his preaching to elicit the response, "What must I do to be saved," from his hearers. Whitefield's rebuttal was receive God's grace through Jesus. As a revival speaker, Whitefield spoke to his hearers as one that had asked the same question of himself. He spoke to their hearts and minds in language they understood.

Whitefield never tied himself to one local church even though he was an Anglican minister. He preferred to spread the gospel as an itinerant. His success pinned him with the title

"Grand Itinerant." Because his message was oral, Whitefield chose to speak extemporaneously. He selected his biblical passages and then began to weave his message with a pattern that captivated his listeners. Whitefield would deliver the message and move on, delivering the same concepts in the same basic form to the next set of eager ears. Benjamin Franklin described Whitefield's approach.

> By hearing him often I came to distinguish easily between sermons newly composed and those which he had often preached in the course of his travels. His delivery of the latter was so improved by frequent repetitions that every accent, every emphasis, every modulation of voice was so perfectly well turned and well placed that without being interested in the subject one could not help being pleased with the discourse. . . . This is an advantage itinerant preachers have over those who are stationary. . . .[4]

Between 1739 and his 1770 death, Whitefield made seven trips to the colonies preaching his gospel message. With him "[a] new form of mass communications appeared in which people were encouraged--even commanded--to speak out concerning the great work of grace in their souls. . . . The audience thrilled not only to the gospel message it heard but also to their own great power visibly manifested in mass assembly."[5]

If Whitefield created a new form of mass communication, he likewise used an existing one that was rapidly becoming an essential part of colonial life. Five newspapers were printed in Boston in 1739. New York and Philadelphia each had two newspapers while Williamsburg and Charleston had single weekly publications.[6] The newspapers were generally the product of one individual who, out of necessity, filled the paper with assorted news clipped from European newspapers and magazines, with letters sent to the publisher on various local issues, and upon information from "correspondents." Shortly after Benjamin Franklin purchased the *Pennsylvania Gazette* he issued this plea for news: "Our country Correspondents are desired to acquaint us, as soon as they can conveniently, with every remarkable Accident, Occurrence, &c fit for public Notice."[7]

Because the papers lifted so much of their news from other publications and because they were printed weekly, much of the news was old--according to current standards--by the time it reached the American population. Even though much of the colonial newspaper was devoted to the "Freshest Advices Foreign," the "Freshest Advices . . . Domestic" were preferred by the printers. Printers loved controversy within a community. It provided fodder for discussion in print. Papers generally claimed neutrality on issues, but neutrality proved illusive. Editorials were rare, but biased letters were not. Sometimes, the printers wrote the letters and published them with pseudonyms or ran portions of pamphlets taking a particular stand on an issue.[8]

No issue offered the colonial printer a better chance to print stories, letters and sections of pamphlets on a controversial subject than did George Whitefield. The papers and regions of the colonies reacted to the man and the religious awakening. To see the papers' and regions' response, a look at representative newspapers from each of the geographic regions of America is in order. The focus will be on three: the *Boston Evening-Post*, the *Pennsylvania Gazette* and the *South Carolina Gazette*.[9] The Evening-Post was printed by Thomas Fleet, who began his printing career in 1713 and his Boston newspaper career in 1733. The *Evening-Post* was Boston's most popular and best written weekly.[10] The *Pennsylvania Gazette* was the progeny of Benjamin Franklin. Franklin set the standard for other colonial printers. The *South Carolina Gazette* was an offspring of the *Pennsylvania Gazette*. Louis Timothy brought the paper to life, but his wife, Elizabeth, gave it financial stability. She took over printing of the paper when Louis died in 1738, got it out of debt and printed the paper during Whitefield's first preaching tour.

The Whitefield story in the colonial press is more than a story of news items; it is the story of news manipulation accomplished by both newsmaker and newsgatherer. The Whitefield entourage used the papers to spark interest in his preaching engagements.[11] The publishers in Boston, Philadelphia and Charleston shaped the perception of George Whitefield and religious revival in their respective cities through selective inclusion and exclusion of news surrounding the English preacher.

As Isaiah Thomas said of Whitefield in his 1810 publication *The History of Printing in America*,

> This celebrated itinerant preacher, when he visited America, like a comet drew the attention of all classes of people. This blaze of ministration was extended through the continent, and he became the common topic of conversation from Georgia to New Hampshire. All the newspapers were filled with paragraphs of information respecting him, or with pieces of animated disputation pro or con. . .[12]

It is our intention to discover just what those paragraphs said and some of the reasons behind their publication.

The Great Awakening: A brief synopsis

Whitefield's first preaching tour of the colonies, beginning late in 1739 and lasting into early 1741, sparked the first Great Awakening in America, a phenomenon from which "none escaped its influence or avoided its controversy."[13] Religious revival was not new to the colonies. The Pietists of the Middle Colonies, immigrants and heirs to the Reformed tradition of Calvin, Zwingli and Butzer, experienced revival shortly after the arrival of Dutch Reformed pastor Theodore J. Frelinghuysen in New Jersey in 1720. And New Englanders, joined by Jonathan Edwards, the great intellectual spokesman of revival in New England, called for religious renewal in the early 1730s. There was revival in New England during that period, but it had all but vanished by 1739. Whitefield reignited religious fervor in New England and throughout America. Edwards said of that fire kindled,

> 'Tis not unlikely that this work of God's Spirit, that is so extraordinary and wonderful, is the dawning, or at least a prelude, of that glorious work of God so often foretold in Scripture, which in the progress and issue of it shall renew the world of mankind. . .[14]

Not only did Whitefield rekindle religious fire and zeal in the colonies, he helped initiate religious schism as well. Ultimately, the Great Awakening produced what Sydney Ahlstrom called "the change in the standing order."[15] Congregationalists divided into Old Lights and New Lights. The New Lights gave rise to Separate Baptists. Presbyterians divided into Old Sides and New

Sides.[16] Arminianism,[17] through Boston minister Charles Chauncy and his attacks on Whitefield, turned some towards Unitarianism.[18] And Arminianism again, the antithesis of Whitefield's Calvinism, was soon to find receptive ears attuned to the Wesley's Methodism.

The Great Awakening produced a tremendous change in the religious power structure of the period. Before the Awakening, Congregationalism dominated the New England scene, and Anglicanism was the preferred church of the South. Life was ordered for colonists in a neatly wrapped religious and political hierarchy.[19] Even the journalism of the colonies prior to the Great Awakening was entwined with the religious. God's hand was seen within the weekly occurrences detailed in the newspapers. All happened according to "God's perfect plan."[20] With Whitefield and the religious splits of the Great Awakening, social categories "were about to explode and splinter in many directions. . . . [T]his generation would be forced to create from the fragments of a once-coherent hierarchical social ethic a more democratic configuration than their predecessors would barely have recognized or endorsed."[21] Divided denominations, new ones, clerics with less authority and a social structure changing radically from the one known previously in the colonies ultimately would become more important to the future of America than the religious renewal afforded by the Great Awakening.

But Americans seemed ready for new zeal in their religion. With a mystical intuition that change lay just beyond the eastern horizon, 1739 America awaited Whitefield's arrival and the Great Awakening that followed.

Whitefield arrives in America: The press coverage

Advance notice of what the colonists could expect from the imminent arrival of this field-preaching Anglican minister appeared in the *South Carolina Gazette* on July 14, 1739. The notice, clipped from a Bristol paper, sketched a portrait of Whitefield open-air revivals.

> [H]e preached at Hannum Mount to 5 or 6000 Persons. . . . In the Evening he removed to the Common, about a half a Mile further, where Three Mounts and the Plain round were crowded with so great a Multitude of Coaches, Foot and Horsemen, that they cover'd Three Acres and were computed at Twenty Thousand People. . . .[22]

In September, the *Boston Evening-Post* ran a letter, "Queries to Mr. Whitefield," saying all needed to inquire of this man "so readily disposed to bring all Mankind out of Darkness and Error."[23] The same edition also advertised Whitefield sermons for sale. America was already acquainted with Whitefield's style before his ship made port outside of Philadelphia.

On November 8 and again on the 15th, Benjamin Franklin published the proposed preaching itinerary of Whitefield in the *Pennsylvania Gazette*. Other colonial papers picked up the story and ran it with a Philadelphia dateline.

> Last week the Rev. Mr. Whitefield landed from London at Lewes Town in Sussex County, where he preach'd; and arrived in this City on Friday night; on Sunday & every Day since, he hath preach'd in the Church: And on Monday he designs (God willing) to set out for New York, and return hither the Week after, and then proceed by Land thro' Maryland, Virginia, and Carolina, to Georgia."[24]

The same day the *Boston Weekly News-Letter* ran the notice of Whitefield's arrival in America, Franklin published a poem, sent to New York's John Peter Zenger by "Juventus" from England, extolling the young itinerant's virtues.

> Whitefield: that great, that pleasing Name
>   Has all my Soul possest:
> For sure some Seraph from above
>   Inspires his Godlike Breast.
> He comes commission'd from on High,
>   The Gospel to proclaim;
> And thro' the Wide extended World
>   To spread the Saviour's Name.
> Approach ye Mortals here below
>   And flock around the Song:
> With Pleasure hear the Saviour's Name
>   Sound from a mortal Tongue.[25]

The initial reaction of American newspapers to Whitefield was informative and positive. Only in New England, where newspapers and colonists had ten months to prepare for Whitefield's personal appearance and to form opinions based on the news from the rest of the colonies, did Whitefield receive any negative pre-visit publicity.[26]

Colonial papers followed Whitefield's preaching tour. News of Whitefield's departure from New York appeared in the Philadelphia and Boston papers. The story of his Philadelphia preaching and departure southward did the same. Thomas Fleet picked up the *Pennsylvania Gazette* story.

> On Thursday last, the Rev. Mr. Whitefield left this City, and was accompany'd to Chester by about 150 Horse, and preach'd to about 7000 People; on Friday he preach'd twice at Willings Town to about 5000; on Saturday at New Castle to about 2500, and the same Evening at Christian Bridge to about 3000; on Sunday at White-clay Creek he preach'd twice, resting about half an Hour between the Sermons to about 8000, of whom about

> 3000 'tis computed came on Horse-back, it rain'd most of the Time, and yet they stood in open Air."[27]

With Whitefield traveling southward across the colonies, the weekly announcements of his preaching were temporarily interrupted. His arrival in Charleston early in January was signaled by one sentence in the colony's paper: "This Day arrived here, the Reverend-Mr. George Whitefield, who came by land from Philadelphia."[28]

Public reaction to Whitefield arose almost immediately in the South Carolina town. Lines were drawn, and the *South Carolina Gazette* printed Charleston's response to the visiting preacher.

> I Presume, you can be no Stranger to the Name of the famous Son of Thunder, the Rev. Mr. George Whitefield; since there is no Speech, nor Language, I may almost say, where his Sound is not hear'd. I can't conclude without wishing Success to Mr. Whitefield's publick and repeated Censures upon our Balls, and Mid-Night Assemblies; especially in the present Situation of our Province."[29]

The comment on dancing elicited a response by "Laicus," but by far the most hostile letters printed against Whitefield during his first tour came from the pen of "Arminius." Choosing the name of the Dutch theologian whose system represented the antithesis of Whitefield's Calvinism, the writer demanded Whitefield explain his "old and exploded Doctrines of Calvinism."[30]

Whitefield personally ignored the public letter-writing debate in Charleston with "Arminius," but an ardent supporter, J. S., carried the Whitefield torch. The two bantered back and forth from January through October 1740, and set the precedent for the pro- and anti-Whitefield letter writing that would fill the

Boston papers from 1740 until Whitefield's second preaching tour in 1745.

Both the *South Carolina Gazette* and *Pennsylvania Gazette* continued to print notices of Whitefield's preaching appearances through the summer of 1740. Boston papers picked up the story again when Whitefield returned to Philadelphia to preach. With Whitefield's arrival in Rhode Island on September 18, 1740, the New England newspapers exploded with news of the preacher and religion. The fervent New Englanders saw Whitefield as saint or satan, depending upon their religious persuasion, and the papers, especially Thomas Fleet's *Evening-Post*, challenged Whitefield through a long run of negative publicity. The *Evening-Post*'s bias represents an example of manipulation of the Whitefield story by the colonial press.

The Whitefield story: News manipulation

When Franklin took control of the *Pennsylvania Gazette* from the eccentric Samuel Keimer, he promised the *Gazette* would be open to public opinion. Otherwise, there would be nothing newsworthy to read except "what happen'd to be the Opinions of Printers."[31] Franklin's words were noble, but they did not hold true. In this period of rapidly growing and improving newspapers, printers rarely remained neutral.[32] Whenever local issues captured the interests of the citizens, the publisher and his paper would find ways to serve friends and issues to personal liking.[33] Occasionally, the printer, in the interest of unbiased reporting, would print an opposing view. Thomas Fleet even made a call for letters taking opposing viewpoints.

> An Answer to all, or any of the above Queries, or any other Piece wrote on the opposite Side, may find a Place in this Paper. . . the Publisher being desirous to be look'd upon only as a Printer, and not as a Party.[34]

In the case of George Whitefield, newspapers took sides, and the biases were evident.

Publishers' choices of stories were not the only means of creating biased news. Even though printers like Franklin did not live up to the neutrality they professed, they attempted to maintain impartiality, and the Whitefield revival took advantage of that attempt by feeding news stories to the press. The Whitefield revival thus created its own press agency by relying upon the attempts of papers to remain impartial and from the fact colonial newspapers depended upon correspondence reports. All of this is not to say that Whitefield's preaching, revivals and the awakening were no more than fabricated news. They were not. Before Whitefield left New England in the fall of 1740, he preached more than 175 sermons in forty-five days, and most of the inhabitants of the New England Colonies heard him preach at least once.[35] Such an inclusive action by one person or event is news worthy of any media, but the actions by the newsmaker and news publishers demonstrate how even the most important of stories can be influenced.

When the *Pennsylvania Gazette* ran its November 8, 1739 announcement of Whitefield's arrival in America, it followed that the papers in Boston, Charleston, New York and Williamsburg would reprint this choice piece of news. Most of them did, but the question must be asked, who wrote the original story. Was it Franklin? It is highly unlikely. The source of this and other "news releases" on Whitefield and his preaching was William Seward, Whitefield's friend and traveling companion. It was no accident in 1740 that the story of Whitefield's New England arrival read indentically in both the *Boston Weekly Post-Boy* and the *Boston Weekly News-Letter.*[34]

The accounts of Whitefield from Boston to Philadelphia to Charleston read with the same numbers at the revival meetings enclosed in identical copy. They could all be explained away as one newspaper copying another, for none of the stories held a clue to their authorship by Seward, the respective publishers or anyone else. But a Philadelphia event in late April 1740, revealed Seward's authorship of the Whitefield stories. A letter to the editor and the editor's response to the charges in that letter confirmed Seward's hand in the writing. The informative collection of items was motivated by the May 1 *Gazette*, which contained the following news item:

> Since Mr. Whitefield's Preaching here, the Dancing School, Assembly and Concert Room have been shut up, as inconsistent with the Doctrine of the Gospel: An though the Gentleman concern'd caus'd the Door to be broke open again, we are inform'd that no Company came the last Assembly Night.[37]

The next week, a letter appeared accusing William Seward of sealing the doors and writing the news item to further Whitefield's purposes on return to England. The biting letter charged that Seward

> shut up the Door of the Concert Room . . . on the 16th of April. [N]o one can wonder at his low Craft, in getting this Paragraph foisted into the News Papers just before his Departure for England, in order to carry it along with him, and spread his Master's Fame. . . . Nor is this the only Instance of Misrepresentation in Favour of Mr. Whitefield's Success; for in all those Articles of News, which give an Account of the vast Crouds who compose his Audience, their Numbers are always exaggerated, being often doubled and sometimes trebled: And considering that these Accounts are said to be put in the Papers by themselves, are they not a further Specimen of their little Regard to Truth? Nay, are they not a Demonstration that these Men have other Designs in View than are agreeable to their Pre-tenses?"[38]

Franklin, prefacing the above letter, admitted the authorship of the May 1 news story belonged to Seward, and he did not deny the other stories of the Whitefield revival were the products of Seward's pen.

> In my last at the Request of Mr. Seward, I inserted an Article of News, relating to the shutting up of the Concert Room, &c . . . for tho' the Article allow'd to be literally true, yet by the Manner of Expression 'tis thought to insinuate something that is not, viz. That the Gentlemen forbore meeting in the Night mentioned, thinking such Entertainments inconsistent with the Doctrine of the Gospel."[39]

If there were any question left as to the authorship of the news story, Seward's diary laid it to rest. His April 27 entry stated, "Wrote Paragraphs for the News of our Brother's Preaching, &c. particularly the following, to be published in New York."[40]

> We hear from Philadelphia, that since Mr. Whitefield's Preaching there, the Dancing-School and Concert-Room have been shut up, as inconsistent with the Doctrines

> of the Gospel, at which the Gentleman engaged in them were so enraged, that they broke open the Door. . . .[41]

Seward went on to tell of a visit to Franklin's establishment on May 2. There, he was accosted by several men who claimed the story of the Concert-Room false. Seward wrote, "I told them I was once as fond of Balls and Assemblies as they could be, and I pray'd the Lord convince them of their Error, as he had done me of mine. . . ."[42]

As to the charge of exaggerated numbers at the Whitefield revivals, Franklin, in his autobiography, admitted he questioned those calculations. The Philadelphia printer took it upon himself to apply mathematics to one of Whitefield's street sermons. His calculations computed more than thirty thousand could have heard Whitefield's orations. "This reconciled me," Franklin said, "to the newspaper accounts of his having preached to twenty-five thousand people in the fields. . . ."[43] Whitefield's own diary often listed numbers of people in attendance at his preaching, but the numbers did not always correspond with the newspaper accounts. The September 20 count of five thousand in attendance on the Boston Common, which appeared in the September 22 *Boston Weekly Post-Boy* and the September 25 *Boston Weekly News-Letter*, logged an eight thousand count in the Journal entry.[44]

The variance in the numbers can be attributed to the fact that Whitefield's "press agent," William Seward, was not always with the preacher. On May 1, Seward entered in his diary, "Wrote to Brother Whitefield. . . ."[45] Despite the fact that the two were not always together for the revival sermons, the best that can be determined on the numbers of people hearing Whitefield speak is that establishing an exact figure was impossible 250 years ago. Franklin's calculations lend credence to the possibility of the counts in the stories by Seward, but the charges in the May 8 edition of the *Pennsylvania Gazette* are plausible as well, especially since Whitefield and Seward were not always together. It is enough to conclude that Whitefield's entourage made the best use of the colonial American press to achieve the maximum for George Whitefield.

Franklin and the *Boston Evening-Post*'s printer, Thomas Fleet, published the two finest newspapers in the colonies in 1740. Each took a stand on George Whitefield. Franklin and Whitefield were friends that admired each other's intellect; Fleet had an aversion for ministers, and in 1744, printed every derogatory remark he could find about Whitefield.[46] Franklin had nothing but kind words for Whitefield in the *Pennsylvania Gazette*.

For both, however, when it came to printing pamphlets and books, it did not matter the side of the issue. Fleet craftily affirmed this in a reply to Deborah Sherman during Whitefield's second preaching tour.

> Do dear Mrs. Sherman, forgive my not printing your Letter the last Week. I was so busy about Mr. Whitefield's Vindication, that I could not possibly do it, and now honestly declare, that I would as soon print for him, as for any Man in this Province.[47]

Friendship in Philadelphia, contempt in Boston--both flavored the Whitefield news in the respective newspapers regardless of private printing practices.

Fleet's bias against Whitefield in the *Evening-Post* was not evident when the first Whitefield stories were published by the paper in 1739. In September Fleet printed two articles, "Queries to Mr. Whitefield," and "A Method of Confession." One called for all to hear Whitefield; the other was allegedly written by the itinerant."[48] On November 19, he printed a selection from Whitefield's Journals. Although that may have seemed a positive step, it demonstrated Fleet's bias against ministers. The Journal entry alluded to an agreement between Whitefield and the concept of the Inner Light of Quakers. Quakers generally met with rejection, and the doctrine of the Inner Light was heresy to Congregationalists. Fleet no doubt hoped the Journal entry would foist a negative connotation of Whitefield upon the citizens of Boston, but he continued in every issue from November 19 through December 17 to carry the standard story found in other papers about Whitefield's preaching, the numbers in attendance at his revival meetings, the itinerary of the tour and the editorial comment about the wonder of Whitefield's work.

In February of 1740, Fleet published a dialogue between William Smith, a Philadelphia Anglican minister, and Jonathan Arnold of New York. Fleet lifted the article from the *American Weekly Mercury* of Philadelphia, which in turn had reprinted the article from a New York publication. Arnold's remarks on Whitefield were scathing, but Smith's reply was there to temper it.

All impartiality towards Whitefield left Fleet on September 22. It was on that day that tragedy struck Boston, and Fleet blamed Whitefield. The September 29 edition of the *Evening-Post* carried the story in vivid detail.

> Last Monday about Four O'Clock after Noon, a most melancholy and surprising Accident happen'd here, viz. The Rev. Mr. Whitefield being to preach in the Rev. Mr. Checkley's Meeting-House, the People crowded so thick into it, that before the Time of Mr. Whitefield's coming, the Galleries were so thronged, that many People apprehended some Danger of their falling; and being thus pre-posses'd with Fear, and a Board on which several People stood, breaking, the Word was soon given by some ignorant and disorderly persons, that the Galleries gave Way; upon which the whole Congregation was immediately thrown into the utmost Confusion and Disorder, and each one being desirous to save themselves, some jump'd from the Galleries into the Pews and Allies below, other threw themselves out at the Windows, and those below pressing hard to get out at the Porch Doors, many (especially women) were thrown down and trod upon by those that were crowding out, no Regard had to the terrible Screeches and Outcries of those in Danger of their Lives, or other; so that a great Number were sore wounded and bruised, and many had their Bones broke: Two married Women, viz. Mrs. Story and Mrs. Ingersole, and Servant Lad were so crush'd that they died a few Minutes after. . . .[49]

Fleet followed the tragic story with this insidious editorial comment. "And this morning the Rev. Mr. Whitefield set out on his Progress to the Eastward, so that the Town is in a hopeful Way of being restor'd to its former State of Order, Peace and Industry."[50] A week later, Fleet denied having meant any disrespect to Whitefield as he responsed to a letter but did admit "that we have not followed him (Whitefield) so far as some others. . ."[51]

From this point, any comments Fleet printed about Whitefield and revival in general were negative. "Itinerants . . . have been the Scourges of God upon the Land . . ."[52] anonymous "Jeremiah Layman" wrote and Fleet printed. An "Anti-Whitefieldian" declaration appeared on May 16, 1743. The next week Fleet ran charges that Whitefield's Savannah orphan house was set up by a "Murderer for enticing poor Orphans to that Place to starve. . . ." By May 30, Fleet endorsed the position that "no man ever possessed a less true-like Christian Spirit" than George Whitefield. By August 27, 1744, Fleet was able to call Whitefield "the great Master-Builder in the Babel of Confusion."

Fleet's contempt for Whitefield grew from the tragedy at Mr. Checkley's meeting house, and it was probably fueled by Whitefield's seeming disregard for the loss of life illustrated by the preacher's Journal entry of the tragedy. After writing an account of what happened and of the condition of some of the injured, Whitefield, without mention of sorrow, said, "God was pleased to give me presence of mind; so that I gave notice I would immediately preach upon the common. The weather was wet, but many thousands followed in the field. . . ."[53]

For Thomas Fleet, George Whitefield became the root of religious problems in Boston. Fleet made certain everyone knew his stance in opposition to the Grand Itinerant. For Fleet, the only news concerning Whitefield was news in the negative.

Benjamin Franklin's relationship with Whitefield began shortly after Whitefield's arrival in Philadelphia. Franklin was employed to print the Journals and some of Whitefield's sermons, and the Philadelphia Postmaster admitted he "was intimately acquainted with him (Whitefield)."[54] Franklin even opened the doors of his house to Whitefield for lodging when the itinerant returned to Philadelphia.[55]

The *Pennsylvania Gazette*'s response to controversy surrounding Whitefield usually was to ignore it. The paper did print the letter attacking the article on the closing of the Concert Hall. When Whitefield issued his condemnation of slavery and his attack upon Anglicanism's foremost orator, the former Archbishop of Canterbury John Tillotson,[56] Franklin ran excerpts. But these printings did not represent any attack upon Whitefield's character as the letters in the *Boston Evening-Post* did. They were factual matters. Franklin printed with consistency the occurrences surrounding Whitefield's movement throughout the colonies. But, he failed to run the story of the tragedy of September 22, 1740 in Boston so elaborately detailed by Fleet and ignored the fact that Whitefield was arrested in Charleston in January 1741. Nor did Franklin mention that Whitefield was barred from preaching in the Anglican Church of Philadelphia following his condemnation of Tillotson.[57]

Following Whitefield's departure from America, Franklin allowed stories of Whitefield to disappear from the *Gazette*. There was news nearly every week from Boston, but Franklin steered away from that city's heated religious controversy. Instead, Franklin printed a letter from Scotland that said, "Mr. Whitefield is most kindly received by our Brethren in Scotland, just as he was in New-England. . . ."[58]

In Whitefield, Franklin found a friend, and the printer chose not to belittle that friend in his newspaper. Before Whitefield died, he consulted with Franklin in London on matters concerning the Savannah orphan house." Franklin chose to sell newspapers with stories of war in Europe and incidents of tragedy and curiosity within the colonies rather than sell papers at the expense of a friend.

In Charleston, the *South Carolina Gazette* was undergoing change when Whitefield started his first preaching tour visit in December 1739. Printer Louis Timothy had died the year before, and the responsibility of printing fell upon the shoulders of his wife, Elizabeth. She remarkably turned the paper and the publishing business around.[40] The widow gave notice of her control of the paper in the January 4, 1739 edition which reported Louis' death and said that she, Elizabeth Timothy, "his poor afflicted Widow [with] six small Children and another hourly expected" would continue the operation.

The Whitefield visit produced fodder for the paper. Anglican church dominated South Carolina reacted immediately to Whitefield's preaching. For the next ten months, a letter-writing war between the pseudonymous authors "Ariminius" and "Laicus," and the Whitefield supporter J. S. dominated the *Gazette*'s leaves. Timothy ran the letters and profited financially from the debate since Charleston was divided for the next two years into pro- and anti-Whitefield factions.[41]

A year later, in January 1741, the paper printed a letter by Hugh Bryan, a leader of the rapidly-growing evangelical movement in the colony, condemning the South Carolina Anglican clergy. The printing of the letter coincided with Whitefield's final visit to the colony on the first preaching tour. Whitefield read and corrected the Bryan letter, and the *South Carolina Gazette* published the letter, "I doubt not but the Devil triumphs in beholding these Shepherds at the Head of their Flocks," in the January 8 paper. The January 15 paper carried the "press release" of what transpired after the letter appeared in public.

> On Saturday last he (Whitefield) was arrested by a Warrant to appear before Benjamin Whitakers Esq; Chief Justice, for being concern'd in correcting for the Press a Letter publish'd by Mr. Hugh Bryan, wherein it was hinted that the Clergy of this Province break their Cannons daily; he confessed the Charge, was admitted to Bail, and is to appear by his Attorney at the next General Sessions.[62]

The same paper stated, "Mr. Hugh Bryan and the Printer were also taken up, and gave Security."[63]

Just who was arrested in Charleston as the printer is unclear. Frank Mott asserted that it was Peter Timothy, oldest son of Louis and Elizabeth, as did Isaiah Thomas.[64] Contemporary scholar Jeffery A. Smith did the same.[65] All three concluded that Peter took over the printing business in 1739 when the elder Timothy died because the son's name appeared at the bottom of the paper as the printer. But, Elizabeth Timothy's note in the first paper of January 1739 suggests otherwise. Elizabeth Timothy ran the paper until 1746, when she turned the publishing business over to Peter after his twenty-first birthday.[66] If Elizabeth Timothy ran the paper until 1746, she was the publisher in 1741, and she would have been the one sent to jail leaving an infant at home plus six other children, unless son Peter or another proxy were allowed to take her place.[67] Either way, Elizabeth Timothy remained the publisher into 1746. The October 20, 1746 edition of the *Gazette* carried an ad for Bibles sold by Elizabeth Timothy. Such an event as the arrest likely changed her approach to news and the letters concerning Whitefield. Self-preservation of business and family was vital.

Following the Bryan letter incident, the *South Carolina Gazette* printed letters on religious controversy, but the letters, when they appeared, always focused on Whitefield, his theology, or the parties writing the letters. No more letters appeared attacking the established state church, an interesting fact since Charleston was divided into two strongly differing religious factions for several years after Whitefield's first tour, and the Anglican Commissary, Alexander Garden, led one side. He waged a personal attack on Whitefield in private publications because of Whitefield's attack on Archbishop Tillotson and because of the revivalist's condemnation of slavery.[68] Prior to the Bryan letter, the *Gazette* ran parts of Garden's imprints in the April 26, 1740 edition. No such excerpts appeared after the January, 1741 arrest. When Whitefield returned to Charleston during his second tour in 1745-46, the *Gazette* barely mentioned it.

Thomas Fleet chose to print the negative about Whitefield. Franklin chose to extol the positive. A look at either Fleet's or Franklin's paper would give a decidedly different view of the nature and character of Whitefield and the awakening. In Charleston, the *Gazette* and its printer learned that avoiding attacks on authorities and staying out of jail were more important than printing every piece of information brought to the paper. Self-preservation was more important than printing anti-establishment news. In Boston, Charleston and Philadelphia, Whitefield and the awakening produced three different news views. The printers of the papers selected which news they would run in their respective papers. Their selections represent three different news biases.

Conclusion

George Whitefield added a spark to America's religion and America's presses in the 1740s. For the printers of America, Whitefield and the Great Awakening provided a means to some financial stability. Elizabeth Timothy was able to pay off the *South Carolina Gazette*'s debt to Franklin after Whitefield's visit. Franklin's printing endeavors left him a wealthy man, and as Fleet said in defense of some of his religious printing in 1741, "I printed Mr. Wesley's Sermon not because I liked it, but because several Gentlemen of Learning and good Sense . . . desired to have it printed, and I had a prospect of getting a Penny by it. . . ."[69] Those pennies added up to an estate of $110,000 after the demise of the *Boston Evening-Post*.[70] In addition, the printing of religious materials in pamphlet and book form swelled in the early 1740s for printers. In 1738, excluding newspapers, there were 133 total imprints by colonial printers. That number increased to 250 by 1742. The increase from 1738-1742 can be directly attributed to Whitefield and religious revival since religious imprints grew from 56 to 158 during that period.[71]

The arrival of George Whitefield and the religious awakening that followed created the first major domestic news story of intercolonial importance. As a story of importance to all regions of the colonies, it provides an opportunity to see how the rapidly-growing colonial press was manipulated by both the newsmaker and the newsgatherers. Much of what the papers printed was similar, if not identical, from city to city. That was because the papers picked up news from each other and because Whitefield's traveling revival, from the pen of William Seward, provided the newspapers with stories, numbers in attendance at revivals and comments upon the wonders of the itinerant and his meetings.

The papers of Thomas Fleet in Boston, Elizabeth Timothy in Charleston and Benjamin Franklin in Philadelphia added the response of colonists to the Grand Itinerant's first tour. Each printer developed a personal stand toward Whitefield and his work, selectively printing articles that represented these feelings, despite claims to the contrary for neutrality. Because the Whitefield tour was a common thread among colonial newspapers, it affords an opportunity to compare the handling of one story from section to section and printer to printer in the colonial period. The evidence says that from Boston to Philadelphia to Charleston, when dealing with the Great Awakening and George Whitefield, personal feelings colored news selection and letters printed in papers. Because of those personal biases, the Great Awakening and Whitefield appear very different in the pages of the *Boston Evening-Post*, *Pennsylvania Gazette* and *South Carolina Gazette*.

ENDNOTES

1. Frank Luther Mott, *American Journalism. A History: 1690-1960*, 3rd ed. (New York: The Macmillan Company, 1962), 53 refers to Whitefield's visit as "the great story of the period." The colonial newspaper industry was just beginning to emerge as a viable force in the colonies in the second quarter of the eighteenth century, and Whitefield's visit provided a news source with implications for every region and every colonial printer.

2. The complete account of Zenger's trial can be found within the pages of Zenger's *Weekly Journal*. The *Pennsylvania Gazette* did publish a letter from London on the trial, but that letter appeared in the May 18, 1738 edition, three years after the trial. The trial and Andrew Hamilton's defense promoted the concept of a free press and liberty, but it did not evoke the impassioned letters, editorials and news items that Whitefield's 1739-1740 visit did.

3. The details of George Whitefield's early life and family are recorded in George Whitefield, *A Brief and General Account of the First Part of the Life of the Reverend Mr. George Whitefield from his Birth, to his Entering into Holy Orders* (Philadelphia, 1740).

4. Benjamin Franklin, *The Autobiography of Benjamin Franklin* (Roslyn, New York: Walter J. Black, Inc., 1941), 168.

5. Harry S. Stout, *The New England Soul. Preaching and Religious Culture in Colonial New England* (New York and Oxford: Oxford University Press, 1986), 193-194.

6. For the dates and nature of each of the colonial newspapers of this period, see Sidney Kobre, *The Development of the Colonial Newspaper* (Gloucester: Peter Smith, 1960).

7. *Pennsylvania Gazette* (Philadelphia), 16 October 1729. A thorough discussion of printing in this period may be found in Frank Luther Mott, *American Journalism. A History: 1690-1960*, 43-56 and in Stephen Botein, "'Meer Mechanics' and Open Press: The Business and Political Strategies of Colonial Printers," in *Perspectives in American History*, vol. IX (1975): 127-228.

8. Mott, 54.

9. The selection of representative newspapers naturally excludes some papers. An effort has been made to select the best representative newspaper from each of the three geographic regions of the American colonies. The New York papers are omitted here, but Whitefield spent more time in Philadelphia than in any other city of the Middle Colonies. Also, Franklin's *Pennsylvania Gazette* has been seen as the best of the colonial papers. Sidney Kobre said

Franklin was "ahead of his contemporary newspaper colleagues in the realm of journalism" (p. 56). The *South Carolina Gazette* was chosen over the *Virginia Gazette* of Williamsburg. Although Virginia might well be considered the more important of the two colonies and the two were very similar, the Charleston paper represents a newspaper published continuously by one family and was the closest to Whitefield's Savannah orphanage. As the best paper in Boston, the *Evening-Post* will be used over its four competitors. It was, according to Kobre, one of the most lively and prosperous papers in the colonies, and far superior to the other "colorless" papers of Boston. Even though three papers will be analyzed, other papers will be quoted to demonstrate the pervasiveness of Whitefield and the American press.

10. Mott, 23.

11. The contention that Whitefield used the commercial techniques already in use by newspapers, i.e. advertising, to further his cause is discussed in Frank Lambert, "'Pedlar in Divinity'" George Whitefield and the Great Awakening, 1737-1745," *The Journal of American History* 77 (December 1990), 812-837. Lambert says Whitefield shared in a consumer revolution much like the merchants of colonial America who used the press to sell their products. Lambert focuses upon Whitefield's "marketing techniques," which supports the concept that the Anglican minister manipulated the press to obtain the results he desired.

12. Isaiah Thomas, *The History of Printing in America* (1810, reprint, New York: Weathervane Books, 1970), 568.

13. Edwin Scott Gausted, *The Great Awakening in New England* (New York: Harper and Brothers, 1957), 42. Gausted believes the Great Awakening in New England lasted only two years, from 1740-1742, p. 62. Others, including Mark A. Noll in *Christianity in America* (Grand Rapids: William B. Eerdmans Publishing Company, 1983), 115, give the Great Awakening a more generous span of twenty years, from 1730-1750. All, however, credit Whitefield with being the revival's real spark.

14. Jonathan Edwards, *Thoughts on the Revival in New England*, in *The Works of President Edwards*, 4 vols. (New York: Robert Carter & Brothers, 1879), 3:313.

15. Sydney E. Ahlstrom, *A Religious History of the American People* (New Haven and London: Yale University Press, 1973), 287.

16. The Congregational New Lights and Presbyterian New Sides are general terms for those of each denomination that favored the revival practices of Whitefield and the other Great Awakening evangelists. Among the New Lights, some found it impossible to remain in churches with the Old Lights, Congregationalists who opposed revival like the Presbyterian Old Sides. These New Lights

left the Congregational church and began "regenerate" or "separate" churches. Most of these congregations became Separate Baptists, a group with strong Calvinistic influences.

17. Arminianism is a theological system that opposes the predestination of Calvinism. Among its tenets are the propositions that Christ died for all men, and that all who believe may be saved.

18. Unitarians began as the more liberal of the religious Congregationalists of New England and those most influenced by rationalism. They seriously doubted the conversions of the revivals. Instead, they saw self-dedication in a rational way as the key to Christian life. Their emphasis was on benevolence in God's dealing with humankind. This ultimately led to the concept of universal salvation.

19. Patricia U. Bonomi, *Under the Cope of Heaven. Religion, Society, and Politics in Colonial America* (New York and Oxford: Oxford University Press, 1986). Bonomi has observed that religion and politics were so entwined in eighteenth-century America that religion's mark was left indelibly on all aspects of life (p.6).

20. David Paul Nord, "Teleology and News: The Religious Roots of American Journalism, 1630-1730," *The Journal of American History* 77 (June 1990): 10. The same kinds of stories that appeared in the late seventeenth and early eighteenth centuries appeared following the Great Awakening. Nord says the event-oriented news system that catered to the unusual continued but did not credit the event to God's providence. Instead, the rationalism that affected much of religion also affected the press. The occurrence was a part of the everyday happenings of the world.

21. Stout, 185.

22. *South Carolina Gazette* (Charleston), 14 July 1739.

23. *Evening-Post* (Boston), 12 September 1739.

24. *Weekly News-Letter* (Boston), 22 November 1739.

25. *Pennsylvania Gazette* (Philadelphia), 22 November 1739.

26. On November 19, 1739, Fleet ran a section of Whitefield's Journals in which the itinerant spoke of a meeting with Quakers. Quakers were generally disliked by most New England Protestant groups. Running this information that made it appear that Whitefield found some positive religious value in the Quaker concept of the inner light (God's revelation from inside without aid of scripture) would likely have created negative feelings in the Congregationalist stronghold of New England that based divine revelation solely in the Bible.

27. *Evening-Post* (Boston), 17 December 1739.

28. *South Carolina Gazette* (Charleston), 5 January 1740.

29. *South Carolina Gazette* (Charleston), 12 January 1740.

30. *South Carolina Gazette* (Charleston), 26 January 1740.

31. *Pennsylvania Gazette* (Philadelphia), 10 June 1731.

32. Kobre suggests, however, that this "declaration of impartiality" grew from the fact that all newspapers had previously been approved by the government. In that environment there was only one opinion; non-official colonial newspapers could not survive. With the advent of multiple papers in towns and the trial of John Peter Zenger, both sides could successively voice opinions (pp. 48-49).

33. Stephen Botein, "'Meer Mechanics' and an Open Press: The Business and Political Strategies of American Colonial Printers," in Donald Fleming and Bernard Bailyn, eds., *Perspectives in American History* 9 (1975): 186-187; M. A. Yodelis, "Boston's First Major Newspaper War: A 'Great Awakening' of Freedom, *Journalism Quarterly* 51 (1974): 207-212.

34. *Evening-Post* (Boston), 10 November 1740.

35. Stout, 190.

36. "Last Thursday the Rev'd Mr. Whitefield arrived by Land from Rhode Island, being met on the Road and conducted to Town by several Gentlemen." Both newspapers ran identical stories, which began with the above sentence. The *Weekly News-Letter* story contained additional information because it was printed two days after the *Post-Boy*. The additional information was written in the same style as the original story.

37. *Pennsylvania Gazette* (Philadelphia), 1 May 1740.

38. Ibid.

39. Ibid.

40. William Seward, *Journal of a Voyage from Savannah to Philadelphia, and from Philadelphia to England*, 1740 (London, 1743), 16.

41. Ibid., 17.

42. Ibid., 22. The diary entry says May 23 but it is really May 2. It is preceded by May 1 and followed by May 3.

43. Franklin, *Autobiography*, 168.

44. George Whitefield, *Journals, 1737-1741*, intro. by William V. Davis (Gainesville: Scholars' Facsimiles & Reprints, 1969), 460.

45. Seward, 18.

46. Mott, 53 note 21; Gausted, 79. Isaiah Thomas said that Fleet's dislike for the clergy necessitated his emigration from England after he exhibited a display of contempt for the Church of England (p. 94).

47. *Evening-Post* (Boston), 21 January 1745.

48. *Evening-Post* (Boston), 12 September 1739.

49. *Evening-Post* (Boston), 29 September 1740.

50. Ibid.

51. *Evening-Post* (Boston), 6 October 1740.

52. *Evening-Post* (Boston), 24 January 1743.

53. *Journals*, 462.

54. Franklin, *Autobiography*, 166.

55. Ibid., 167.

56. The letters, *Three Letters from the Reverend Mr. G. Whitefield: viz. Letter I. To a Friend in London, concerning Archbishop Tillotson, Letter II. To the Same on the Same Subject, Letter III. To the Inhabitants of Maryland, Virginia, North and South-Carolina, concerning their Negroes* (Philadelphia, 1740), created an uprising by Anglican clergy and many residents of the Southern Colonies in general.

57. Whitefield, *Journals*, 404.

58. *Pennsylvania Gazette* (Philadelphia), 20 February 1742.

59. Franklin, *Autobiography*, 167.

60. Franklin, *Autobiography*, 152; and Ira L. Baker, "Elizabeth Timothy: America's First Woman Editor," *Journalism Quarterly* 54 (1977): 280-285.

61. Elizabeth Christine Cook, *Literary Influences in Colonial Newspapers 1704-1750* (New York: Columbia University Press, 1912), 258.

62. *South Carolina Gazette* (Charleston), 15 January 1741.

63. Ibid.

64. Mott, 41; Thomas, 568.

65. Jeffery A. Smith, "Impartiality and Revolutionary Ideology: Editorial Policies of the *South-Carolina Gazette*, 1732-1775," *The Journal of Southern History* 49 (Nov. 1983): 516.

66. Baker, 285.

67. There is no mention of the arrest in the records of the South Carolina House of Commons, and no court records exist for the first weeks of January 1741.

68. Alexander Garden, *To the Rev. Mr. George Whitefield*, 2nd ed. (Boston, 1740). The Garden challenge to Whitefield was published earlier in Charleston.

69. *Evening-Post* (Boston), 27 March 1741.

70. Mary Ann Yodelis, "Who Paid the Piper? Publishing Economics in Boston, 1763-1775," *Journalism Monographs* 38 (Feb. 1975), 41.

71. Figures taken from the bibliographic listings in Charles Evans, *American Bibliography*, Vol. 2 (Chicago, 1904), 109-326; and Roger P. Bristol, *Supplement to Charles Evans' American Bibliography* (Charlottesville: University Press of Virginia, 1970), 58-78.

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(Rev. 9/91)

LATEST FROM THE CANADIAN REVOLUTION:
EARLY WAR CORRESPONDENCE IN THE *NEW YORK HERALD*
1837-1838

Ulf Jonas Bjork
Assistant Professor
School of Journalism
Indiana University-Indianapolis
ES 4103
902 W. New York
Indianapolis, IN 46202
(317) 274-5933

Submitted to the annual meeting of the American Journalism Historians Association, Lawrence, Kansas, 1992.

LATEST FROM THE CANADIAN REVOLUTION:
EARLY WAR CORRESPONDENCE IN THE *NEW YORK HERALD,* 1837-1838

This study focuses on an example of early war reporting, James Gordon Bennett's use of correspondents to cover the Canadian Rebellions of 1837. In the years before extensive railroad networks and the introduction of the telegraph distance was a crucial factor, and the unrest in Canada was close enough to allow the New York Herald to cover it in innovative ways. His correspondents letters also constitute one of the earliest penny press examples of reporters interpreting an event, a more complex process than the simple recording of the procedures of courts and legislatures. When discussing the history of reporting, then, war correspondence deserves attention.

LATEST FROM THE CANADIAN REVOLUTION: EARLY WAR CORRESPONDENCE IN THE *NEW YORK HERALD,* 1837-1838

On a January morning in 1838, a ragtag band of insurgents encamped on a small island a few miles above Niagara Falls were suspiciously eyeing a stranger in their midst. The unexpected visitor had come over on the small boat carrying provisions from the mainland, bribing the oarsmen with gin to take him along. With an enemy force dug in less than a mile away on the river's western shore, it was only natural that the men were wary, and they now asked the newcomer his business. "To get all the information that could be got on the island," he explained, and proceeded to show a letter where his employer told him to "get the facts--tell the truth of every thing--favorable or unfavorable." The men knew the signature at the bottom of the letter, and that decided the matter; for the next few hours, the stranger was invited to dinner and shown around the camp.[1] "I was," he reported back to the man who had sent him to the Niagara border, "proffered every service--I received every information which it was proper to communicate." In the late afternoon, he went back the way he had come.

The nameless visitor to the rebels on Navy Island was a special correspondent of James Gordon Bennett's *New York Herald*, sent out to cover the Mackenzie Rebellion in the province of Upper Canada and ensure that the *Herald* would beat all other New York papers "in early and authentic intelligence from the seat of war."[2] The reports by him and one of his colleagues constitute one of the earliest instances of war correspondence in the American press, and this paper discusses how their work fits into the history of war coverage and of reporting in general.

It focuses on the *New York Herald* because histories frequently mention Bennett's paper as one of the pioneers of foreign correspondence without providing much detail to support that contention.[3] Offering such detail, this paper shows that the *Herald*'s enterprise in gathering news from events abroad began only a few years after the paper's start, earlier than has previously been suggested, and it came about due to specific circumstances which overcame technological difficulties. Before examining that enterprise, it is necessary to discuss how histories have viewed the origins of the practice to have reporters covering military conflicts on the scene.

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[1] *New York Herald*, Jan. 19, 1838, 1.

[2] *Herald*, Jan. 9, 1838, 1.

[3] See for instance, John Hohenberg, *Foreign Correspondence: The Great Reporters and Their Times* (New York: Columbia University Press, 1964), 23-24; Robert W. Desmond, *The Press and World Affairs* (New York: D. Appleton-Century, 1937), 16-17.

THE ORIGINS OF WAR CORRESPONDENCE

Historians have tended to view the years around 1850 as the starting point of war reporting. Aiming for an international perspective, Phillip Knigthley's critical account of war correspondence begins with the Crimean War, for instance, and the career of William Howard Russell of the Times of London.[4] Knightley sees Russell as a starting point because his work "marked the beginning of an organised effort to report a war to the civilian population at home using the services of a civilian reporter," but his subsequent discussion also implies that the fame that Russell gained and the impact of his reporting have an influence on the author's decision to make the Times man the first correspondent. With Russell, the war correspondent became a visible and powerful figure rather than an anonymous contributor.[5]

Looking for origins closer to home and focusing less on personality, American journalism historians have tended to see the Mexican War of 1846-48 as the conflict which spawned extensive war reporting.[6] Here, technology becomes the decisive factor: coverage of the conflict was aided by the development of railroads, steamers and telegraph lines.

Yet, as an early study by Joseph Mathews shows, the practice of having reporters gather information close to the battlefield dates back at least another 50 years, having been used by the London press during the French Revolution and the Napoleonic wars.[7] What the mid-century added was technologies that overcame distance and the power of mass-circulation newspapers stressing news gathering.[8]

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[4] Knightley, The First Casualty (New York: Harcourt Brace Janovitch, 1978), 4-5; Knigthley follows the historiography of the nineteenth-century war correspondents themselves, see Archibald Forbes, "War Correspondence as a Fine Art," The Century 45 (1893):290-303.

[5] For this view, see John Hohenberg, Foreign Correspondence: The Great Reporters and Their Times (New York: Columbia University Press, 1964), 44-56.

[6] Michael Emery and Edwin Emery, The Press and America: An Interpretive History of the Mass Media (Eighth ed., Englewood Cliffs, N.J.: Prentice-Hall, 1992), 113-14; Tom Reilly, "'The War Press of New Orleans': 1846-1848," Journalism History 13 (3-4, Autumn-Winter 1986):86-95; for an American criticism of viewing Russell as the pioneer, see Robert W. Desmond, The Press and World Affairs (New York: D. Appleton-Century, 1937), 15-18.

It was the issue of distance rather than press characteristics that had made war correspondence possible for the British press and difficult for American newspapers before the advent of telegraphy and steam-powered transportation. The relative proximity of the battlefields of the Napoleonic era to London made reasonably speedy news transmission a possibility even before the telegraph. When Canadian rebels took up arms almost on the New York border in the fall of 1837, the New York press, too, could overcome distances to allow the use of correspondents.[9] Their appearance suggests that the development of war reporting was not as technology driven as has often been assumed; while technology aided the development of war correspondence, it did not beget it.[10]

Equally important, the correspondents covering the unrest in Canada for the Herald did not emerge in a vacuum; rather, they were part of a developing tradition of drawing on distant contributors, as the following section shows.

THE STATUS OF CORRESPONDENCE IN 1837

The Canadian Rebellion did not introduce correspondence in American newspapers, or, for that matter, in the New York Herald. Rather, Bennett's decision to cover the uprising through dispatches from his own writers was part of a general decision to use correspondents, fuelled, mainly, by his rivalry with the commercial press over gathering news. As the year 1937 progressed, the New York Herald was increasingly paying attention to domestic and foreign correspondence, and in early December, Bennett claimed to have engaged no less than 10 contributors at home and abroad.[11] The most regular reports—by at least two different writers—came from Washington, where the publisher himself had once been a correspondent, and frequent letters also flowed in from Albany, New Orleans, Rochester, and Philadelphia. *As of December 1837, The Herald network abroad included* correspondents in Jamaica, London, Liverpool, Le Havre and Paris.[12]

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[7] Mathews, Reporting the Wars (Minneapolis: University of Minnesota Press, 1957) 37-51.

[8] For an international perspective on the development of the "popular press," see Marion Marzolf, "Pioneers of 'New Journalism' in Early 20th Century Scandinavia," Pressens Årsbog 1982, 132; Anthony Smith, The Newspaper: An International History (London: Thames & Hudson, 1979), 114-130.

[9] While modern histories rarely mention the Canadian Rebellion, one of the earliest journalism histories sees it as having a major impact, at least on the news gathering of the New York Herald; Frederic Hudson, Journalism in the United states, From 1690 to 1872 (New York: Harper & Brothers, 1873), 446.

[10] New transportation technology did play a certain part in the coverage of the rebellion, in the form of steamers plying the Hudson River and a railroad running between Niagara Falls and Buffalo.

Mathews claims that correspondence in the world's press in the first decade of the Herald's existence took essentially two forms, either as general observations by American travelers or as eyewitness descriptions of specific events.[13] That generalization does not fit the Herald of the mid 1830s, however, for Mathews' second category was absent. Instead, another type, accounts by resident writers, was gaining in prominence between 1835 and 1837. Travel accounts had appeared in the American press before the founding of the Herald, and Bennett's paper followed that tradition.[14] Starting in 1836 and continuing the following year was the appearance of correspondence from specific places, by natives or Americans in exile, commenting on current events and economic markets.[15] The range of information they provided is illustrated by the ocassional correspondent in Cuba, who promised to relate "the local news, such as clearances, and arrivals—disasters, price current and review of the market—the slave trade and any other valuable information; now and then touching on our manners, laws and customs—the fair sex of this fair clime."[16]

Mathews uses Bennett's personal trip in 1838 to cover a major news event–the coronation of Queen Victoria–as an example of events-oriented correspondence, but it was the exception, and the bulk of Bennett's European correspondence turned out to be closer to the tradition of travelogue and general observation.[17] Thus, the use of correspondents to supply "speedy intelligence" specifically about one foreign event was an idea the Herald had not tried before when the unrest broke outin the Canadas. It was not, for instance, used in the coverage of the fighting in Texas in the spring of 1836.

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[11] Herald, Dec. 8, 1837, 2; James L. Crouthamel, Bennett's New York Herald and the Rise of the Popular Press (Syracuse, N.Y: Syracuse University Press, 1989), 48; for the growth of the network, see Herald, Nov. 30, 1835, 2; Dec. 4, 2; Jan. 11, 1836, 2; Oct. 13, 2; Jan. 20, 1837, 2; April 17, 2; July 7, 2; Aug. 9, 2; Aug. 28, 2; Sept. 25, 2.

[12] Herald, Dec. 8, 1837, 2; Dec. 13, 2; for examples, see May 31, 1837, 2; Aug. 2, 2; Aug. 8, 2; Oct. 27, 1; Dec. 1, 1; other New York newspapers had an equally impressive network, see the Journal of Commerce, July-August 1837.

[13] Mathews, 50-51.

[14] On the general practice, see Hudson, 451; for a pre-Herald penny press example, see New York Sun, Oct. 24, 1833, 1; for the Herald, see Sept. 8, 1835, 1; Sept. 9-12, 14, 17, 22; Aug. 8, 1837, 2; Aug. 10, 2; Aug. 30, 1.

[15] Herald, Jan. 2, 1836, 2 (republished the following day); Jan. 12, 2; Feb. 29, 2; March 2, 1836, 1; July 7, 2; March 17, 1837, 2; March 21, 2; March 22, 2; March 25, 2; March 28, 2; April 6, 2; April 25, 2; June 2, 2; June 3, 2; June 8, 2; June 13, 2; July 6, 1; July 11, 2; July 26, 2; Aug. 1, 2 Aug. 7, 2; Aug. 12, 2; Aug. 16, 2; Aug. 18, 2; Aug. 31, 1, 2; Sept. 23, 1; Oct. 6, 2; Oct. 21, 2; Oct. 27, 1; Oct. 30, 1.

[16] Herald, Feb. 27, 1838, 2.

The Texan Revolution of 1835-36 makes for an interesting comparison with the Canadian unrest almost two years later. As events, the two "revolutions" shared characteristics that potentially would make them equally important to the American press and its readers.[18] Both could be seen in the United States as continuations of the American Revolution 60 years earlier, both eventually involved American volunteers, and both raised the specter of war between the United States and the country the insurgents were fighting. It is evident, however, that the distance between New York and Texas in the era before telegraphy and extensive railroad networks was too great to allow the Herald and other New York papers to provide and emphasize recent information.[19]

Instead, Bennett fell back on traditional means to cover Texas. The Herald's primary source was newspapers, mainly from New Orleans but also from Natchez, Louisville, Cincinnati and Nashville, as well as Texas itself.[20] Newspaper accounts were supplemented with official documents of the Texas government and its representatives in the United States, with private letters and with a Mexican officer's diary, supposedly picked up from the battlefield of San Jacinto and promoted by Bennett in his usual fashion as "highly interesting and valuable."[21]

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[17] Mathews, 51; the Herald published some 40 letters and ten journal installments by Bennett from Britain and France; Herald, June 18, 19, 21, 23, 28; July 14, 16, 17, 18, 20, 25, 26, 27; Aug. 4, 5, 7, 8, 9, 10, 14, 15, 31; Sept. 18, 19, 20, 21, 26, 28, 29; Oct. 3, 4, 5; for an account of his trip, see Isaac Pray, Memoirs of James Gordon Bennett and His Times (New York: Stringer and Townsend, 1855), 236-50; a less charitable contemporary of Bennett called his correspondence "curious rigmaroles; flippant and amusing"; The Life and Writings of James Gordon Bennett (New York: n.p., 1844), 37.

[18] See Bennett's own comparison, Herald, Dec. 4, 1837, 2.

[19] It should be noted that at least one New York paper, the Courier and Enquirer, used correspondents, one in Nagodoches and one in Texas itself; Courier and Enquirer, April 12, 1836, 2; April 25, 2; each only contributed a single letter, however.

[20] For New Orleans accounts, see Herald, March 31, 1836, 2; April 23, 1; May 10, 2; May 18, 1; June 16, 2; for other cities, March 24, 1; March 29, 1; April 25, 2; May 3, 2.

Not surprisingly, the resulting coverage was neither speedy nor constant. News came in spurts and was almost six weeks old in some instances.[22] Even major stories such as the fall of the Alamo and the decisive Texan victory at San Jacinto took more than three weeks to reach New York.[23] Robbed of the opportunity to play up the recency of his news, Bennett opted for detail, telling the Alamo story twice and following the initial account of the San Jacinto victory with another three stories.[24] War news had to move closer for the Herald to try new methods of coverage, and in the last months of 1837 it did.

A CHRONOLOGY OF REBELLION COVERAGE

Breaking out almost simultaneously in Lower and Upper Canada, the Rebellions of 1837 resulted from several developments in the two provinces, chief of which were discontent with the system of government and economic hardships brought on by the Panic of 1837.[25] If the prospect of radical reformers rising up against a colonial aristocracy may have seemed familiar to American observers, the military actions bore little resemblance to the American Revolution and were quickly decided. In Lower Canada, less than a month lapsed between the first fighting in late November and the final suppression of a French-Canadian

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[21] Herald, June 16, 1836, 2; June 22, 1; June 23, 1: June 25, 1; June 26, 1; for other types of sources, see Dec. 11, 1835, 2; April 12, 1836, 1; April 27, 2; May 3, 2; May 18, 1; June 13, 1; June 14, 1.

[22] Accounts taken from the New Orleans press were usually no more than 20 days old, but those reports were often several weeks old by the time they reached New Orleans; see Herald, May 3, 1836, 2; April 27, 2; May 30. 2; stories from Texas papers were, by contrast, between 24 and 40 days old; Herald, March 24, 1836, 1; May 3, 2; counting both New Orleans and Texas datelines, the average age of an item in the eight-month period from November 1835 to June 1836 was 25 days; a brief examinmation of the coverage of the New York Sun and the Courier and Enquirer in the spring of 1836 shows the same pattern in terms of sources and timelags; Sun, Nov. 19-20, 2; 26, 2; 28, 2; 30, 2; Dec. 11, 2; Dec. 17, 2; Dec. 23, 2; Jan. 25, 1836, 2; Jan. 27, 2; March 24, 2; March 30-31, 2; April 7, 2; April 14, 2; Courier and Enquirer, Jan. 6, 1836, 2; Jan. 22, 2; Jan. 25, 2; Jan. 30, 2; Feb. 16, 2; Feb. 27, 2; March 2, 2; March 22, 2; March 24, 2; March 28, 2; March 30-31, 2; April 4-5, 2; April 7, 2; April 11-14, 2; April 19, 2; April 23, 2; April 25, 2; April 27-28, 2; May 4, 2; May 9-11, 2; May 13, 2; May 17-21, 2; May 23-24; May 28, 2; May 30, 2.

[23] The first Alamo account appeared on April 12, 37 days after the battle, while the San Jacinto victory on April 21 was first reported May 18; for a chronology of the Texan Revolution, see Rupert Norval Richardson, Texas: The Lone Star State (Englewood Cliffs, N.J.: Prentice-Hall, 1958), 87-105.

[24] Herald, April 12, 1836, 1; May 3, 2 (Alamo—the officer's diary, too, was promoted mainly as an Alamo account); May 18, 1; June 10, 1; June 13, 1; June 14, 1 (San Jacinto).

[25] Kenneth McNaught, The Penguin History of Canada (London, Penguin Books, 1988), 76-88; although unsuccessful militarily, the rebellions did contribute to the eventual union of the the two Canadas and to the introduction of a more autonomous form of government.

rebellion, while, farther west, it took loyalist volunteers only a couple of days to defeat the followers of William Lyon Mackenzie in early December.[26]

With the leaders of both uprisings escaping to the United States, the unrest did not appear to be over by mid-December, however.[27] That was particularly true of the Mackenzie Rebellion in Upper Canada, because its leader and a group of his followers set up a "provisional government" on Navy Island on Dec. 13.[28] Largely missing the rebellion itself, the correspondents of the New York Herald found themselves covering the tense situation resulting from the rebel presence on Navy Island. To them and to Americans in general, that was by no means a non-event, because the prospect of war between the United States and Great Britain over Canada was still looming, and many of the insurgents were American citizens.

At first, there was little to suggest that the Herald would cover the Canadas differently than it had covered Texas. Contrary to Europe, Canada was not a regular supplier of news, and the Herald paid it little attention on a day-to-day basis. Even the outbreak of hostilities was given little notice, with the first report appearing six days after the initial fighting. It consisted of the opinion of "a gentleman arrived from Quebec" that "the troubles in the Montreal district are fast dying away."[29] A more extensive report of the first two battles—the first a rebel victory, the second a defeat—followed three days later, the source this time being a nameless official.[30]

A week after his first story on the rebellion, Bennett was beginning to realize that "the troubles" may not go away. Declaring Canada to be "in a state of insurrection and revolution" similar to that in Texas in 1836, he announced that traditional methods of news gathering no longer sufficed:

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[26] George W. Brown, Building the Canadian Nation (Toronto: J.M. dent & Sons, Ltd., 1942), 271-73; Edgar Mcinnis, Canada: A Political and Social History (New York: Holt, Rinehart and Winston,1959), 222-23; one of the most detailed accounts of the Mackezie Rebellion is John Charles Dent, The Story of the Upper Canadian Rebellion vol. 2 (Toronto: C. Blackett Robinson, 1885).

[27] The somewhat unwilling leader of the Lower Canada uprising was Louis-Joseph Papineau; McNaught, 86-88.

[28] Brown, 273.

[29] Herald, Nov. 28, 1837, 2.

[30] Herald, Dec. 1, 1837, 1; the second battle took place on Nov. 24.

> "Rumors of all kinds are rife relating to the progress of events in Canada; but there are none that we feel any confidence in stating authoritatively. Every thing that comes from Frankfurt and Burlington, on the Vermont frontier, is suspicious, as those places swarm with Canadian refugees, who will naturally put the best face on the matter, concealing their losses that their friends may not be discouraged, and exaggerating the difficulties of the royal troops, to gain adherents to their cause. We are not disposed to believe implicitly the assertions of the Montreal papers, either as they are all partisans, and give their own colouring to events."[31]

New measures had to be taken, and the Herald was thus sending a correspondent to Canada, "for the purpose of furnishing the Herald with the most authentic narrative of the progress of events."[32] He would be "the only source to which we look for correct and unbiased information."

It is telling that Bennett at this point stressed the authenticity rather than the timeliness of the information his correspondent would provide, because the new contributor was not being dispatched with a great deal of hurry. On his way to the Canadian border he was to pass by both Utica and Rochester to report on crops and markets in upstate New York, and only after carrying out that duty would he "proceed to Canada and become one of our corps of correspondents during the continuance of the war in that province."[33] The special correspondent's first letter, published on Dec. 7 and written Dec. 1 in Utica, nevertheless dealt with Canadian affairs, using a private letter to a Utica resident as a source.

As it turned out, Bennett's promises concerning Herald coverage of the uprising in the first weeks in December turned out to have more flair than substance. The bulk of his coverage of the Lower Canada rebellion came not from correspondents but from Canadian newspapers and from the press of Burlington, where rebel refugees were gathering to escape the British authorities. Both, of course, were the very sources the Herald publisher had denounced for being too partisan. Three letters from Montreal were published in the Herald, but they were apparently not written by Bennett's special contributor but by an "amateur correspondent" who was to furnish "graphic sketches of the occurrences of that city and neighborhood--of the one of the public mind--and the probable issue of the insurrection."[34] The Herald's special correspondent did enter Canada and contributed one more letter, from St. Johns some 15 miles outside Montreal, but that was the extent of his reporting on events in Lower Canada.[35]

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[31] Herald, Dec. 4, 1837, 2; the Sun made the same point about the unreliability of Canadian news but thought it sufficient to evaluate the incoming information in its office; Sun, Dec. 4, 1837, 2; Dec. 5, 2; Dec. 26, 2.

[32] Herald, Dec. 4, 1837, 2.

[33] Herald, Dec. 7, 1837, 1.

Meanwhile, the Canadian news expanded in scope and became increasingly complex to cover. On Dec. 12, the Herald carried reports of rebellion breaking out in Upper Canada the previous week.[36] With news now breaking in two different provinces, Bennett returned to using newspaper exchanges as sources. Papers from the Montreal area supplied information from Lower Canada, while Buffalo and occasionally Rochester became the sources of Upper Canada coverage. There was a major difference between Texas and Canada in the frequency and speed of information, however. Having declared Canadian affairs "the most important subject before the public," Bennett devoted space to events there on a daily basis, and the information was generally no more than six days old.[37]

The changing direction of the Rebellion from Montreal and Toronto to the Niagara River at first appeared to take the Herald by surprise. Although the paper reported British complaints about meetings of the insurgents and their American sympathizers in Buffalo (whence the expedition force seizing Navy Island set out), it did not refer to the rebel presence on the island until late December, when they had been encamped there for almost a fortnight.[38] Initial complaints had involved the governors of the province of Upper Canada and the state of New York, but when they rose to the level of the British and American national governments Bennett realized that Navy Island could be major point of interest, and a few days into the new year he announced that his special correspondent had left the Montreal area and been dispatched to Buffalo. "During the continuance of the war we expect a letter daily," Bennett told readers, running the first two that same day.[39]

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[34] Herald, Dec. 7, 1837, 1; all letters were anonymous, but references by the Montreal writer give the appearance that he was a Canadian resident; the special correspondent made no such references; also, Bennett labeled the first Montreal letter "private" correspondence instead of "special"; for other Montreal letters, see Dec. 18, 2; Dec. 20, 2.

[35] Herald, Dec. 11, 1837, 1.

[36] The news had reached New York the previous day, see Herald, Dec. 13, 1837, 2.

[37] On days when there was no news, Bennett would comment in editorials and background articles; the number of days refers to the date between publication in the source newspaper and the Herald; time lags between event dates and source publication were less relevant in the Canadian rebellion than in Texas, since the fighting took place close to the locations where the papers were published.

[38] Herald, Dec. 27, 1837, 4; for British complaints, see Dec. 22, 4; Dec. 23, 1.

Bennett's astute news sense proved accurate, for late on Dec. 29, a party of loyalists had given the American-British tensions tangible form by secretly crossing the river and cutting lose and setting fire to the *Caroline*, a small steamer anchored on the American side and used for shipping provisions to Navy Island.[40] As initial accounts in the *Herald* told of "the destruction of between thirty and forty unarmed and unresisting American citizens" who had been "hurried over the Falls of Niagara," feelings were running high in Buffalo and rumors of war with England buzzed in New York.[41]

The day after breaking the news about the *Caroline*, Bennett announced that he had three correspondents "stationed on the line leading north, from Albany to the Seat of War on Navy Island."[42] To speed their dispatches, the *Herald* had even arranged to run private expresses to the nearest post offices, and to still the hunger readers had for news Bennett would publish extra editions every day, including Sunday.[43]

Here, finally, was the "corps" of correspondents that the *Herald* had been promising since early December. It was essentially a two-man operation, because the third correspondent, in Rochester, wrote only occasionally. The other two, however, contributed almost daily dispatches from Albany and Buffalo, respectively, from the first days of January until the rebels evacuated Navy Island three weeks later. In contrast to the coverage of the early stages of the rebellion, correspondent letters were now a major source of news, with the Herald using other newspapers only as a supplement or when no other news was available. In another contrast to December, Bennett stressed that his information was early as well as authentic, with "fullness and lateness" in detail.[44] The latter quality was no empty boast, as Buffalo letters arrived within less than six days for the most part, and Albany ones within two.

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[39] *Herald*, Jan. 3, 1838, 2.

[40] For an extensive account, see Dent, 194-218; also, Brown, 273, and Colin Read, *The Rising in Western upper Canada: The Duncombe Revolt and After* (Toronto: University of Toronto Press, 1982), 114-16; Read has the date wrong, however.

[41] *Herald*, Jan. 4, 1837, 4, 2; Jan. 5, 1, 2; Jan. 8, 2; Dent, 213-14; eventually, it was found that only one American had been killed.

[42] *Herald*, Jan. 5, 1838, 1.

[43] *Herald*, Jan. 5, 1838, 1, 2.

Before discussing how the two correspondents went about procuring their news, it is necessary to compare the Herald coverage with that of other papers.

THE *HERALD*'S CORRESPONDENCE IN PERSPECTIVE

A genius at self promotion, James Gordon Bennett repeatedly assured his readers that the Herald's news-gathering methods during the unrest in the Canadas were far superior to that of other newspapers, and one looks in vain in the columns of the Herald for evidence of news enterprise of other papers.[45] Examining two of his competitors, however, it becomes clear that Bennett was not the only publisher to cover the rebellion with correspondents. The Herald's penny rival, the Sun, covered most of the uprising by clipping other papers, but it did eventually send a correspondent of its own to Niagara Falls.[46] More active was the Journal of Commerce, one of the leading New York commercial papers. It published correspondences not only from Buffalo and Niagara Falls (beginning in late December, a week ahead of the Herald) but also from Vermont during the unrest in Lower Canada.[47] Of other New York papers, the Courier and Enquirer and the Commercial also employed their own correspondents.[48] In Boston, the Atlas had a correspondent in Vermont during the Lower Canada uprising.[49]

Newspapers quoted in the Journal of Commerce and the Sun show that the use of correspondents was also practiced by smaller papers closer to the scene of events. In Albany, both the Argus and the Evening Journal had correspondents in Burlington, Vt., Lewiston, N.Y., Buffalo, Niagara Falls and Rochester.[50] The Buffalo Commercial Advertiser and its competitor the Daily Journal were the first to send correspondents within view of Navy Island, and they were soon followed by the Rochester Democrat, whose editor himself acted as an on-the-scene writer.[51] In Vermont, the editor of the Burlington Free Press, a weekly ill suited for the coverage of breaking news, took advantage of the proximity to Lower Canada by offering to send daily bulletins to any colleague who paid him a dollar.[52]

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[44] Herald, Jan. 9, 1838, 1; Jan. 19, 2.

[45] Herald, Jan. 5, 1838, 2.

[46] Sun, Jan. 31, 1838, 2; oddly enough, this was not until the uprising was over.

[47] Journal of Commerce, Dec. 15, 1837, 4; Dec. 27, 2, 4; Jan. 8, 1838, 4; Jan. 13, 4 (Niagara frontier); Dec. 2, 1837, 2; Dec. 27, 2 (Vermont).

[48] Quoted in the Sun, Dec. 14, 1837, 2; Dec. 19, 2; Dec. 29, 2 (Courier & Enquirer); Dec. 18, 1837, 2; Dec. 20, 2 (Commercial).

[49] Quoted in the National Intelligencer, Dec. 20, 1837, 3.

The Herald's correspondents were not the only ones on the scene, then, and neither were they always the first with the news. On Dec. 17, almost a month before Bennett's man set foot on Navy Island, the Buffalo Daily Journal published a letter from there, and the following day, the rebel camp was visited by a special correspondent of the Journal of Commerce, who pronounced the island "equal to the fortress of Gibraltar" and met with Mackenzie and other leaders.[53] The week that the Herald correspondent came over, representatives of the Buffalo Commercial Advertiser and the Rochester Democrat also paid visits to the insurgents.[54]

If the news-gathering effort of the Herald thus was less unique than what Bennett made it out be in his paper's columns, it was nevertheless different from other papers on some important points, which are explored in the following section.

PATTERNS OF COVERAGE

Bennett had boasted that he had taken pains to send "competent persons to the spot to furnish us with authentic facts" and the dispatches his two correspondents sent back bear him out, showing enterprise in news gathering and a concern with conveying information as clearly as possible.[55] Little is known about either one, since the Buffalo man remained altogether anonymous and his colleague in Albany went only by his last name, Moreau.[56]

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[50] Quoted in the Journal of Commerce, Nov. 29, 1837, 4; Dec. 20, 4; Dec. 4, 2; Dec. 13, 2; Dec. 15, 4; Dec. 28, 4; Jan. 5, 1838, 4; Jan. 10, 4; Jan. 11, 4; Jan. 19, 4; Jan. 6, 4; Jan. 11, 4; Jan. 22, 4; also, the Sun, Dec. 13, 2; Dec. 15, 2; Dec. 26, 2; Dec. 29, 2; Jan. 4, 2; Jan. 8, 2; Jan. 12, 2; Jan. 13, 2.

[51] Quoted in Journal of Commerce, Dec. 20, 1837, 4; Dec. 26, 2; Dec. 23, 2; Jan. 19, 1838, 2 (Buffalo papers); Dec. 28, 4; Jan. 10, 4; Jan. 11, 4; Jan. 19, 2, 4 (Rochester); Sun, Jan. 19, 2.

[52] Quoted in the Boston Daily Advertiser and Patriot, Dec. 6, 1837, 2.

[53] Quoted in the Journal of Commerce, Dec. 23, 1837, 2; Journal of Commerce, Dec. 27, 1837, 2; Bennett's correspondent was on the island Jan. 12.

[54] Journal of Commerce, Jan. 19, 1838, 2; Sun, Jan. 19, 2.

[55] Herald, Jan. 4, 1838, 2.

Albany had the advantage of being closer to and better connected with New York City, which would explain Bennett's decision to place one of his correspondents there. (It was not, however, a case of already having a reporter in Albany covering the Legislature, for it was the responsibility of a separate correspondent, Henry Brougham.[57]) Further away from the scene of events than the Buffalo contributor, Moreau functioned as a sort of sub-editor, gathering information in much the same manner as Bennett had done in New York in December. He digested information from Buffalo and Rochester papers, interviewed travelers from Buffalo, related accounts in private letters, and reported on the reaction to border events in Albany.[58] He also evaluated the accounts he was receiving, particularly during the confusion following the Caroline incident.

His nameless colleague in Buffalo came closer to actual reporting, if the term is defined to mean being an eyewitness at the scene. In the second of his dispatches to the Herald he related having gone up to the American side of the Niagara River to view the movements of insurgents and government forces.[59] The next day he was in the streets of Buffalo, which, in the wake of the Caroline raid, were "full of men, most of them with arms" who "grit their teeth, seeth, and talk of vengeance!"[60] Reports of how mercilessly the loyalists had killed the steamer's American passengers fuelled the outrage further, as did rumors that Canadian government troops had occupied Grand Island on the American side.

Buffalo remained his vantage point for the next few days, as it seemed to be the place whence possible American military action across the border would emanate.[61] As it became more and more likely that only one person had been killed during the seizure of the *Caroline* (and clear that no Canadian troops were on American soil), the cries for war died down and were replaced by the rebel-loyalist standoff that had characterized the rebellion since mid-December, consisting essentially of exchanges of artillery fire between the Canadian mainland and Navy Island and of rumors of each side invading the other's territory. Not surprisingly, there was a lull in correspondent coverage, with the Buffalo contributor's letters consisting mainly of second-hand reports of troop movements—and the candid admittance that "few events of any importance have transpired."[62]

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[56] In general, little is known of Bennett's correspondents, see Crouthamel, 48.

[57] Brougham and Moreau were introduced at the same time, however; Herald, Jan. 5, 1838, 1.

[58] Herald, Jan. 5, 1838, 1; Jan. 6, 2, 4; Jan. 8, 1; Jan. 9, 1; Jan. 15, 2; Jan. 17, 2.

[59] Herald, Jan. 3, 1838, 2; the letter was dated Dec. 29.

[60] Herald, Jan. 4, 1838, 2; correspondence dated Dec. 30.

[61] Herald, Jan. 5, 1838, 1; Jan. 6, 4; Jan. 8, 2.

To remedy that situation he began filing his stories from Grand Island on Jan. 11, taking up "the meagre accommodations of a camp in order to furnish you with the earliest and most accurate intelligence."[63] From there the correspondent witnessed how the Navy Island rebels jumped up on their breastworks and made "the most tantalizing and insulting gestures" to the enemy gunners shelling them from across the river, and he also made an unsuccessful attempt to interview one of the rebel leaders, who would "not stop to answer questions."

The following day, he made the visit to Navy Island that is related in the beginning of this study, finding the rebels "all well and hearty."[64] Two days later, he ventured over to the Canadian side, blurring his role as a reporter by carrying a complaint from the American commander on Grand Island about loyalists shells striking his positions, a complaint the *Herald* man had persuaded the officer to make and had written himself, acting as a "private secretary."[65] Expecting to be fired upon as he approached the loyalist camp, he was instead cordially received and allowed to meet with Col. Allan MacNab, the commander of the government force. He also talked at length with other officers, although he was skeptical of some of the information they provided.

No more opportunity was given to the enterprising nameless correspondent to prove himself to Bennett, for on the Sunday that he had visited the loyalists, the insurgents abandoned Navy Island.[66] Returning to Buffalo, he declared the war to be over and the frontier to be "in a profound state of peace."[67] He briefly related second-hand accounts about an abortive rebel attempt to invade Upper Canada from Michigan, but by Feb. 7, he was forced to acknowledge that there was no Canada news whatsoever.[68] Moreau's dispatches from Albany, saying the same thing, ceased in late January.

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[62] *Herald*, Jan. 15, 1838, 1, 2; as noted above he was not alone at the seat of war; correspondents of the *Journal of Commerce*, the *Buffalo Commercial Advertiser* and the *Rochester Democrat* were either on Grand Island or in Niagara Falls.

[63] *Herald*, Jan. 16, 1838, 2.

[64] *Herald*, Jan. 19, 1838, 1.

[65] *Herald*, Jan. 22, 1838, 1; as with Navy Island, he was not the first American correspondent to visit; the Rochester *Democrat*'s editor had already gone over to the loyalists, where his rebel sentiments had earned him a rather hostile treatment;. *Sun*, Jan. 12, 1838, 2.

As the two correspondents differed in the way they gathered information, so there were differences in the manner in which they presented their news. The Buffalo correspondent's pieces were truer to the tradition of the day in that they were written as letters, ending with a signature (which Bennett deleted) and being addressed to Bennett himself rather than to the readers of the Herald. Moreau, being known at least by his last name, had no such devices in his pieces.

In the writing itself, Moreau was the one who followed tradition. Although one should be careful about reading the contemporary convention of summary leads into the past, a comparison of Moreau's opening sentences to those of his Buffalo colleague is interesting, for it reveals quite different approaches to writing.[69] Moreau almost always stressed the circumstances under which the information had been obtained. Two typical opening sentences of his are "I have had a long conversation with a gentleman on this city just from Buffalo" (Jan. 9) and "I have letters and papers from Buffalo to the evening of the instant (Monday) inclusive" (Jan. 15).[70] This, again, was not unusual; Bennett himself would often introduce correspondence and articles from other newspapers in a similar manner, stressing the recency of the information or the authority of the source first of all.

The Buffalo correspondent, by contrast, went straight to the story itself in almost all of his pieces. As emotions ran high following the steamer raid, he opened one of his dispatches thus: "This morning after the awful tragedy of the Caroline, the gallant little army on Navy Island was paraded, and the circumstances narrated to them by General Van Rensselaer."[71] In the mid-January lull, another letter began with the simple sentence, "the war still remains in status quo."[72] Where Moreau routinely put himself into the story right away, his colleague did so only when the piece was a direct result of his own actions, as was the case with his visits to Navy Island and to the mainland camp of the loyalists.[73] The piece dealing with the former, for instance, began by relating that "I passed last night at the Eagle Hotel, Niagara Falls," putting readers on the scene and giving the account authenticity. The letter following his encounter with the rebels did so even more: "At the distance of 500 miles it is impossible for you to imagine how infernally wicked that 'long, low, black' Navy Island looks from the American shore."[74]

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[66] Herald, Jan. 22, 1838, 1.

[67] Herald, Jan. 30, 1938, 4; Jan. 31, 4; Jan. 22, 2; Feb. 5, 4.

[68] Herald, Feb. 7, 1838, 4; Jan. 27, 4; Read, 116-17.

[69] For neither of the correspondents, the opening sentence served as a summary; what followed was paragraphs dealing with different things.

[70] Herald, Jan. 9, 1838, 1; Jan. 15, 1.

One explanation for the Buffalo correspondent's approach, which was different both from Moreau's pieces and the Herald content in general, was that it was the result of his being an eyewitness rather than a compiler of the accounts of others. Yet his accounts stand out even compared with those of the on-site correspondents of other papers. Bennett appeared to have successfully instilled his own obsession with the gathering of news as supreme to anything else in journalism in his employee, for in no other of the correspondences detailing visits to the rebel camp is there the stress on the writer as a reporter, a collector of information. The correspondents of the Journal of Commerce and the Buffalo Commercial Advertiser, by comparison, wrote as partisans visiting the side they supported. Similarly, Bennett's man saw his masquerade as the secretary of the American commander as a way to gain access to the loyalists in order to give their side of the story, while the Rochester Democrat correspondent went as a rebel supporter into a hostile camp, under a false name.

That makes the Buffalo correspondent's pieces all the more noteworthy, because they do seem to signify a change in news gathering techniques as well as in writing.

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[71] Herald, Jan. 8, 1838, 2.

[72] Herald, Jan. 15, 1838, 1.

[73] Herald, Jan. 19, 1838, 1; Jan. 22, 1.

[74] Herald, Jan. 19, 1838, 1.

CONCLUSION

What relevance do Bennett's shadowy correspondents covering the Canadian Rebellions of 1837 have for our understanding of the development of war correspondence in particular and reporting in general? Their role in the former area has already been pointed out: war correspondence is not a practice that begins with powerful journalists in the field or with the introduction of new technologies of communication and transportation.

When it comes to the overall practice of reporting, the war coverage of 1837 also deserves attention. Discussing the evolution of the newspaper as a carrier of information, historians have tended to focus on local news—particularly crime—as the area that begat modern reporting practices, claiming, for instance, that the penny press discovery of news lay on the local level.[75] To claim that journalists sent out to cover the New York court and police beats were the first reporters ignores the different but equally noteworthy tradition of employing contributors well outside the city, whose pieces from the outset were clearly separated from those of the editor. The writings of war correspondents, for instance, should be considered in relation to other forms of journalistic writing to a greater extent than has been done so far.

War reporting involved a type of event that required writer initiative. In the discussion of crime items as a form of news discovered by the penny press, it is seldom mentioned that the majority of this news was more or less verbatim transcripts of trials, i.e. a situation where a social institution had already structured the event for the reporter.[76] The same is true of coverage of legislatures, another area where reporters were in evidence early, because their deliberations have a clear chronology and, like trials, produce records.[77] Bennett's own reporting on the Robinson-Jewett murder trial in the spring of 1836, which included visits by the editor to the scene of the crime and an interview with a possible witness, had begun to expand the coverage of crime, but it was still the exception in that area.

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[75] John Tebbel, The Compact History of the American Newspaper (New York: Hawthorn, Inc., 1963), 97; Michael Schudson, Discovering the News: A Social History of American Newspapers (New York: Basic Books, 1978), 22; Frank Luther Mott, American Journalism: A History, 1690-1960 (New York: Macmillan, 1962), 243; 97; Emery and Emery, 97; Warren Francke, "Sensationalism and the Development of 19th-Century Reporting: The Broom Sweeps Sensory Details," Journalism History 12 (3-4, Winter-Autumn 1985):80-85.

[76] An intriguing discussion of this issue in a contemporary setting is Mark Fishman, "News and Nonevents: Making the Visible Invisible," in James S. Ettema and D. Charles Whitney, Individuals in Mass Media Organizations: Creativity and Constraint (Beverly Hills: Sage Publications, 1982).

[77] Brougham, Bennett's Albany correspondent covering the Legislature in eraly 1838, seldom strayed from following the record, for instance; in an interesting study, Michael Schudson uses coverage of the State of the Union Address to show how reporting techniques

His correspondents in upstate New York in 1837-38 had no forum to on which to rely for interpretation of events but had to make sense of them on their own and decide what to report to New York. They solved that problem by approaching the rebellion in a subjective manner, for while Bennett had told them to be speedy and "authentic" in their reporting, he made no demands that they be impartial. "The sentiments and sympathies of our correspondents are their own—their facts belong to history," he declared in mid-January. "Let the reader draw his own conclusions."[78] Consequently, Moreau's insistent evaluation of information coming out of Buffalo was due to his scorn for the "American renogades" and "desperadoes" on Navy Island, who were putting the United States in danger of a third war with Britain, and he refused to seem them as counterparts to the heroes of the American Revolution.[79]

That is exactly what they were to the Buffalo correspondent, however, who routinely referred to them as "Patriots" fighting for independence.[80] One of his last dispatches makes it abundantly clear where he stood:

> "Alas! the war is over, and the Canadians must yet suffer under the galling chains of bondage, unless, as the whole of Western New York most fervently desires, the government will declare war upon Great Britain, and allow this state to throw 50,000 militia across the line to drive the loyal Canucks into Lake Ontario."[81]

Opinion and information blended in the coverage of the Canadian

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have changed in the last two centuries, but he does not address the question of that address being relatively simple in structure; Schudson, "The Politics of Narrative Form: The Emergence of News Conventions in Print and Television," Daedalus 111 (Fall 1982):97-112.

[78] Herald, Jan. 16, 1838, 1; also Jan. 3, 2; in another case, however, Bennett had found a correspondent too biased, see Crouthamel, 48.

[79] Herald, Jan. 17, 1838, 2; Jan.20, 1; also, Jan. 9 1; Jan. 15, 2; Jan. 31, 4.

[80] See, for instance, Herald, Jan. 22, 1838, 2.

[81] Herald, Jan. 31, 1838, 4.

Rebellions in the Herald, showing that the correspondents were still bound by the journalistic conventions of the day and should not be seen as equivalents of reporters 155 years later. Still, their work was in many ways innovative and deserves attention for that reason.

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Address: JOURNALISM ES 4103 902 W. NEW YORK STREET INDIANAPOLIS, IN 46202	Telephone Number: (317) 274-5933 Date: 08/10/1992

OVER

ABOLITIONIST, EMIGRATIONIST, FEMINIST: MARY ANN SHADD CARY, FIRST FEMALE EDITOR OF THE BLACK PRESS

by

Bernell E. Tripp

College of Journalism and Communication
The University of Florida
3055 Weimer Hall
Gainesville, FL 32611

Presented at AJHA Convention, Lawrence, Kansas, Oct. 1-3,1992

ABOLITIONIST, EMIGRATIONIST, FEMINIST: MARY ANN SHADD CARY, FIRST FEMALE EDITOR OF THE BLACK PRESS

When Mary Ann Shadd conceived the idea for another fugitive slave newspaper in Canada, she had no black female role models from which to learn. Before the Civil War, society did not encourage women, particularly black women, to participate in activities outside the home. Nineteenth-century American society had created a "place" for women with boundaries that seldom extended beyond the role of mother, teacher, or caregiver -- the foundation for the cohesiveness of the family structure.[1] Female journalists were rare, and black female journalists were virtually nonexistent. As for seeking employment outside the home, Mrs. N.F. (Gertrude) Mossell, a black female journalist in the latter part of the century, recalled that "(t)here was a day when an Afro-American woman of the greatest refinement and culture could aspire no higher than the dressmaker's art, or later who would rise higher in the scale could be a teacher, and there the top round of higher employment was reached."[2]

However, black men soon realized that the ability to lead was derived from the power to communicate to and for the black community, and as the black male advanced, so did his wife, sister, or daughter advance. By the 1880s, the educated black woman had attained

> . . . vantage ground over the Caucasian woman of America, in that the former has had to contest with her brother every inch of the ground for recognition; the Negro man, having had his sister by his side on plantations and in rice swamps, keeps her there now that he moves into other spheres. As she wins laurels, he accords her the royal crown. This is especially true of journalism.[3]

Yet, the acceptance of the black female as an invaluable ally was slow to take shape. America had to be persuaded that new attitudes were indeed necessary. Black women leaders, such as Shadd, Maria Stewart, and Sarah Mapps Douglass, "wished to awaken new understanding among blacks as well as in the general population." They were willing to oppose all types of barriers--societal, financial, educational--in order to achieve rights for blacks and for women.[4] They were imbued with "a limitless faith in their own powers to quicken the feelings of others as they themselves had been stirred."[5] Shadd eventually became one of those leaders. However, she was forced to develop her personal philosophies and ideas from the men she encountered and the outspoken female lecturers of her time. She gleaned her reformist philosophies and her vehement opposition to slavery from her father Abraham D. Schad[6], who served as a 'conductor' on the Underground Railroad and who eagerly participated in a variety of antislavery activities. He had represented Delaware at the National Convention for the Improvement of Free People of Color held in Philadelphia each year from 1830 to 1832. He also condemned the American Colonization Society for its attempts to transport blacks to Liberia.[7] From Abraham Schad's association with white abolitionist newspapermen William Lloyd Garrison and Elijah P. Lovejoy, she also learned the value and importance of the printed word. Schad also served as an agent for Garrison's abolitionist newspaper, *The Liberator*, as well as for the *Colored American*, the black-owned and black-operated newspaper in New York edited by Samuel Cornish.

Women lecturers, such as Maria Stewart and Sojourner Truth, provided her with the basis for her stance on the rights, obligations, and responsibilities of women in society. Shadd would later become a prominent lecturer in her own right. In one incident at an 1855 Philadelphia, she was allowed to speak only after engaging in a spirited debate with male convention leaders.[8]

The newspaper she eventually created, the *Provincial Freeman*, would be a representation of these various perspectives. Abraham Schad shared his daughter's belief that education, hard work, and self-reliance were necessary if blacks were ever to achieve racial equality. He stressed the idea that blacks must help themselves if they truly wanted a better life.[9] Like her father and his black male contemporaries, she addressed the issues of major concern to the black community--slavery, political activism/civil rights, personal improvement, moral elevation, racial equality, in addition to the elevation of women--emphasizing the importance of black women's contribution in these struggles.

Born on October 9, 1823, Mary Ann Shadd was the first of thirteen children for Abraham and Harriet Parnell Shadd of Wilmington, Del. Many of her siblings would later pursue careers in law, journalism, and education. However, Mary Ann would be the first of her family to emigrate to Canada West, after completing her education in Pennsylvania. The Shadds had moved the family to Pennslyvania after being unable to acquire an education for 10-year-old Mary Ann in Delaware, a slave state that prohibited the education of blacks. Shadd completed six years of schooling at Price's Boarding School, a West Chester, Pa., school sponsored by the Society of Friends, and at sixteen she began her own school for blacks in Wilmington.[10] Teaching in Norristown, Pa., when the Fugitive Slave Law was passed in 1850, Shadd joined the exodus of thousands of black Americans to Canada in their efforts to elude slave hunters.[11] Under the Fugitive Slave Law, any black, freeborn or escaped slave, could be hunted down and "reclaimed" as a runaway to be returned to his or her "owner." Shadd, though born free, looked toward Canada West as the opportunity to acquire full rights and to teach the ex-slaves who were eager for an education.

In Canada, Shadd first met the man who would become her toughest adversary in both her educational and newspaper endeavors--Henry Bibb. Bibb, a fugitive from slavery who was also evading the threat of recapture under the new law, had achieved prominence as the editor of the *Voice of the Fugitive*.[12] The *Voice*, published by Bibb and his wife Mary in Sandwich, C.W., served as a forum for the growing numbers of black refugees in Canada. Mary Bibb taught blacks at the small school she had already established in her home, while also running the *Voice* during Bibb's frequent lecturing engagements.

The Bibbs encouraged Shadd to establish a school in Windsor. She, and eventually her brother Isaac, taught in a segregated school in Windsor, a popular refuge for fugitives. However, disagreements over the running of the school led to a feud between Shadd and the Bibbs that would eventually motivate her to become the first black woman in North America to publish a newspaper.[13] The school controversy was one of the earliest incidents in which Shadd publicly displayed her disdain for separatism, and her difficulties with the Bibbs would eventually provide a portion of the motivation for establishing her own newspaper. The Bibbs supported the establishment of a segregated school in Windsor, funded by the government, while Shadd strongly opposed the "caste institutions," which she felt would only promote racial discrimination and distrust between the races. Refusing to support a tax-funded school designated for blacks only, Shadd was forced to run her Windsor school on monies received from parents who could afford to pay--allowing the children of parents who could not pay to attend free--and from a meager allotment of funds from the American Missionary Association. The student fees were thirty-seven cents per month to attend.[14] Bibb subsequently printed articles in the *Voice* implying that Shadd maintained an *intentionally* black school [catering predominantly to poor black fugitives and their children] and that she received an exorbitant salary, consisting of 3 shillings [37.5 cents] per month from each student and $125 per year from the AMA.[15] Bibb neglected to mention that Shadd rarely received payment from her students or that the existence of a public, tax-funded school for whites virtually ensured that few whites would choose to attend a private school for black fugitives inconsistently funded through fees that were seldom paid. Bibb's false accusations were probably in retaliation for Shadd's *Notes of Canada West* in which the Refugees' Home Society under the supervision of the Bibbs was vehemently attacked.[16]

In a letter to Professor George Whipple of the AMA headquarters in New York City, Shadd criticized Bibb for abusing his position as editor of a black newspaper. She wrote,

> What a vast amount of mischief a man like H. Bibb can do with an organ of his own to nod, insinuate and 'fling' away the reputation of others and how

> much he has already done to persons who have had no means equally extensive to their control to counteract it is appaling [sic]."[17]

Earlier, she had written to Whipple complaining about Bibb's attacks and lamenting that "I have not a paper of my own and must leave the result with God."[18]

Samuel Ringgold Ward's trip to Canada in 1852 proved to be the answer to Shadd's prayer. Ward, former editor of the *Impartial Citizen* in Syracuse, N.Y., was working as a traveling speaker for the Anti-Slavery Society of Canada--following a hasty retreat from New York to escape prosecution for his part in the courtroom rescue of a slave named Jerry. During his time in Canada, Ward also suffered from attacks by the *Voice* concerning the demise of the *Citizen*.[19] Shadd probably approached Ward about establishing another fugitive slave newspaper during this tumultuous situation, recognizing in Ward a kindred soul with a common understanding of the need for a forum for black expression not controlled by Bibb.[20]

On March 24, 1853, the first issue of the *Provincial Freeman* came off the press, promoting the motto of "Union is Strength." Printed in Windsor, C.W., the four-page paper boasted a $1.50 yearly subscription price. Ward was listed as editor, with the Rev. Alex McArthur as corresponding editor and two travelling agents, the Rev. J.B. Smith and J. Baker. A "Committee of Publication" included W.P. Francis of

Windsor, J.M. Jones of Chatham, A.B. Jones of London; J.W. Lindsay of St. Catherines, R. Brown of Hamilton, and T.W. Stringer of Buxton.[21] Shadd was listed with no official title or position, but a line on the first page declared: "Letters must be addressed, Post-Paid, to Mary A. Shadd, Windsor, Canada West."

A small paragraph on an inside page and the lead paragraph of the "Introductory," stating the paper's goals, lends credence to the idea that Ward was apparently the editor in name only. The influence of Ward, the "editor," was noticeably absent from the paper's inaugural issue. In the form of an apology, the short notice on the second page alerted readers that

> (t)his number of the Freeman is published under very unfavorable circumstances. Mr. Ward is either travelling, or at his residence, more than 350 miles from Windsor, where this number is printed; and, as Mr. W. is obliged to perform other labors for a livelihood, it is impossible for him to give the attention to the paper that he would were his pecuniary interests connected with it. After getting his consent to write for the Freeman, one or two circumstances rendered it necessary to get out this number at an early day; this has rendered it imperative upon the Committee of Publication to hasten matters more than shall be the case hereafter.

In the Introductory, Ward also pointed out that he had little time and even less money to invest in the venture. He commented that

> . . . the earnest solicitation of numerous friends, and the consideration of the very great necessity of such a paper, led me to consent to edit a paper for one year, without fee or reward, as my humble

> share in the promotion of an object, in which I am unable to invest a single penny. It is to be hoped that after a year shall have expired, the friends of the paper, and the committee of publication will be able to find some person much more competent than myself, to discharge the duties I now reluctantly assume.

Since the corresponding editor, Alex McArthur, also was no longer present in Windsor, the main duties of operating the paper must have been assumed by Shadd and the Committee of Publication, to a lesser degree. However, in the same issue an article heralded a mass convention to be held in London, C.W., on April 6, which listed both the *Freeman*'s travelling agents and three members of the committee--A.B. Jones, Lindsay, and Brown--as prominent organizers. Thus, the committee's role seemed to be that of community leader, leaving Shadd virtually in absolute control of the *Provincial Freeman*.

Despite Ward's signature on the article, the Introductory seemed to depict philosophies identical to those of Shadd. It read in part:

> The *Provincial Freeman* will be devoted to the elevation of the Colored People; and in seeking to effect this object, it will advocate the cause of TEMPERANCE, in the strictest and most radical acceptation of that term. . . . For like reasons, the Freeman must be a straightforward, outspoken ANTI-SLAVERY PAPER. Its voice shall ever be heard in denunciation of the chatteling of human beings and of all systems and sentiments akin to it, and tending towards it. . . . The religious influence of this Journal shall be free from sectarianism. . . . The news of the day, the state of the markets, foreign and domestic intelligence, shall each have its place in the columns of the *Freeman*.

With those words Shadd acknowledged that she possessed the ability to voice her own opinions for the first time since coming to Canada, and she addressed many of her primary concerns. The front page of the inaugural issue included the Introductory, pros and cons of the Refugees' Home Society controversy (with reprints of articles from the *Voice* and the *Pennsylvania Freeman*), homilies, and brief moral admonitions. A speech by "The New [American] President on Slavery" emphasized the rights of the Southern slaveholders, stating that "the laws of 1850, commonly called the 'Compromise Measures,' are strictly constitutional, and to be unhesitatingly carried into effect." Another reprint, "The Power of Caste" from the New York *Independent*, pointed out the indignities the Rev. [J.W.C.] Pennington endured while being expelled from a New York City omnibus. The article emphasized the irony of Pennington's lack of full-citizenship rights despite being a graduate of the University of Heidelburg and having received numerous honors during his travels in Europe. The inside pages were devoted to items such as American slavery, a local murder, poetry, travel, early instruction of children, deaths, self-reliance, court trials, and book reviews.

Declaring that the "regular weekly issues will commence just so soon as the number of *cash subscribers* shall justify it," Ward sailed for England, leaving Shadd to continue the paper's operation with little financial support. Shadd suspended publication for a year while she traveled in the United States and Canada on a lecture tour to raise money and increase the number of *Freeman* subscribers. She joined such noted speakers as wealthy Negro abolitionist Robert Purvis, newcomer Frances Ellen Watkins, and white abolitionist Lucretia Mott. These speaking engagements not only promoted the *Provincial Freeman*, but also carved Shadd a niche among the ranks of black leaders.

Early in 1854, Shadd was satisfied that support for the *Freeman* was sufficient to resume publication. This time she chose Toronto as her headquarters. This was probably because Toronto possessed the largest population of blacks in Canada, as well as some prosperous black businessmen who were friends of Ward and who might be counted on for financial and moral support. Volume 1, Number 2 bore the date of Saturday, March 25, 1854, with a new masthead that included the motto, "Self-Reliance is the True Road to Independence." Ward and McArthur were again listed as editor and corresponding editor, but Shadd displayed the new title of "publishing agent." It was also Shadd who signed the new prospectus for the *Freeman*, which stated:

> The Provincial Freeman will be devoted to Anti-Slavery, Temperance and General Literature. The organ of no particular Political Party, it will open its columns to the views of men of different political opinions, reserving the right, as an independent Journal, of full expression on all questions or projects affecting the people in a political way; and reserving, also, the right to express emphatic condemnation of all projects,

> having for their object in a great or remote degree, the subversion of the principles of the British Constitution or of British rule in the Provinces.
>
> Not committed to the views of any religious sect exclusively, it will carefully observe the rights of every sect, at the same time that a reservation shall be made in favor of an existing difference of opinion, as to the views or actions of the sects respectively.
>
> As an advertising medium, as a vehicle of information on Agricultural--and as an enemy to vice in any and every conceivable form, and a promoter of good morals, it shall be made worthy of the patronage of the public. *M.A. Shadd, Publishing Agent.*

News items ranged from England and France at war with Russia to the number of fugitive slaves in Canada. A number of letters-to-the-editor congratulated the paper on its reappearance and cast votes of support for the paper's position on self-reliance and education.

The issue contained no original articles by its "editor," even though his successful tour of England was highlighted through reprints from a British journal and *Freeman* staff accounts. It was becoming increasingly obvious to readers that Ward was not a major component in the operation of the paper. When an article by Ward finally ran a month later, Shadd attempted to reassure readers with a notice that read:

> The readers of the Freeman will be pleased to see the letter from the Editor, Mr. Ward; it will be taken by them, we trust, as evidence of what he will do in the future for the paper.
>
> The non-appearance of articles from him heretofore, has been the subject of remarks, no way favorable to those connected with the Freeman, who

> have said all along that he would write. This letter will put them at ease on that point.
>
> Our Corresponding Editor, Mr. McArthur, writes from Picton, Nova Scotia, that he will furnish his quota also.[22]

Despite the encouraging words she offered her readers, Shadd was basically on her own in completing her task of providing information to suit her readers' needs. Shadd maintained philosophies similar to those of her male counterparts in the United States, recognizing the fugitives' need for guidance and advice and supplying what they needed in her columns. She emphasized the notions of perseverance, intemperance, and family structure. She warned her readers not to "repine at the law of labour, and the inevitable and inexorable necessity of personal exertion which it imposes upon him." She advised them that diligence "is the most favourable thing to those who have their own way to make in this world, and is among the favourable circumstances by which they are surrounded."[23] Similar to other black editors of the period, she used real-life examples of black individuals to serve as role models for her readers. To emphasize the value of hard work, she described two young men who came to Lowell from New Hampshire to work in a bobbin factory. With "a few hardearned dollars in their pockets," they acquired an education at a teacher's seminary, eventually attaining jobs years later--one as a high school principal and the other as a college professor.[24] Shadd's message stressed that despite an unadvantageous background, the young men had been able to advance through hard work, education, and perserverance.

Similarly, articles on intemperance pointed out the detriments of alcohol on both physical and moral existence and the consequences blacks would have to endure as a result of their actions. One article listed the additional--and unhealthy--ingredients used in brewing beer. The list stated:

> Broom, opium, gentiam, quassis, aloes, marsh, trefoil, coculus indicus, tobacco, nux vomica are used for hops, and the last mentioned are known to be highly poisonous. Saltpetre, common salt, mixed with flour, jalap, the fiery liquid called spirit of maranta, bruised green copperas, live, egg-shells, hartshorn shaving, nutgalls, potash, and soda are used to prevent acidity.[25]

Another article against drinking indicated how intemperance was the cause of numerous crimes.

> The Sheriff of Albany has said, 'EIGHT TENTHS of all the commitments here are in consequence of the use and sale of RUM.'
>
> The Sheriff of Duchess county, 'FOUR FIFTHS of the crimes here are immediately or indirectly the fruit of intemperance.'
>
> The Sheriff of Erie, 'During the several years that I have kept in jail, Nine Tenths of all the crimes committed have had their origin in intemperance.'[26]

Shadd also emphasized the sanctity of homelife. The importance of children was often addressed, and the responsibilities of motherhood were spelled out in great detail. She wrote:

> The woman who is a mother dwells in the immediate presence of guardian angels.-- She bears on for her children's sake, she will toil for them, die for them, and live for them which is sometimes harder still. . . . Idiots are they who in family quarrels, seek to punish the mother by parting her from her offspring; for in that blasphemy against nature they do violence to God's own decrees, and lift away from his heart the consecrated instrument of His power.[27]

Similarly, the role of women in society provided Shadd with a topic few of the black male journalists addressed openly. Shadd frequently made the point that "woman's work" was anything a woman chose to do.[28] Her support for the abilities of women encouraged "correspondents" such as "Henrietta W--S" to write "with a trembling hand and a fearful heart" in the hopes that her thoughts and opinions would be favorable to "Mr. Editor." Despite being written by one of the "weaker sex," the piece made several key points, including the black community's need for better teachers and better opportunities for advancement. Shadd encouraged "Henrietta" and others like her to express themselves without fear or embarrassment.[29]

In a similar vein, Shadd was a staunch advocate of improving the status of women. One *Freeman* column, "Woman's Rights," was devoted especially to promoting women's civil rights and eliminating the ambiguity surrounding what these rights included. She frequently asserted that

> . . . we find the very Women who most ably write, and speak, upon the question [of women's rights], differing as to what are the rights of their sex.

> Then again, some Men, foolishly deny to a Woman the right to speak in public, to practice medicine, or to vote. While some Women, as foolishly, claim the right to exercise various functions, for which neither God nor nature designed them, and which are utterly inconsistent with their social duties.[30]

The rights of married women were of particular importance to Shadd, even though she was not married at the time. An earlier column referred to a meeting of the New York Assembly in which a committee on women's rights recommended the passage of the following bill:

> 1. Any married woman, whose husband, either from drunkenness, profligracy, or any other cause, shall neglect, or refuse to provide for her support and education, or for the support and education of her children, and any married woman who may be deserted by her husband, shall have the right, by her own name, to receive and collect her own earnings, and apply the same for her own support, and the support of her children, free from the control and interference of her husband, or of any person claiming to be released from the same by or through her husband.
> 2. Hereafter it shall be necessary to the validity of every indenture of apprenticeship executed by the father that the mother of such child if she be living, shall in writing consent to such indenture, nor shall any appointment of a general guardian of the person of a child by the father be valid unless the mother of such child, if she be living, shall in writing consent to such appointment.[31]

However, the notice Shadd gave to the activities of women was not restricted to family matters or civic duties, but included one of the most important issues to all U.S. citizens--slavery. From her position in Canada, Shadd was probably more straightforward about her opposition to slavery than many of her black male predecessors. "Slavery Rampant," an extract of a sermon by the Rev. William H. Furness of Philadelphia spoke boldly and openly about the "sinfulness" of slavery.

> . . . now it would work our ruin in a more cunning way, not by stirring up the slaves to deeds of blood, but by taking advantage of our great outward prosperity to extinguish the spirit of freemen in our hearts, to obliterate all sense of the difference between Freedom and Oppression, by buying us up with its blood-earned cotton, and making us all directly or indirectly slaveholders, if not slave owners.[32]

She saw emigration as a viable solution to the slavery problem. If blacks could not be free in the United States, other countries would surely welcome them with open arms.

> We say to the slave, You have a right to your freedom and to every other privilege connected with it and if you cannot secure these in Virginia or Alabama, by all means make your escape, without delay, to some other locality in God's wide universe, where you will be allowed to enjoy the rights and perform the duties as you bear the stamp and impress of manhood. We say further to the free colored people of the States, wherever they may be, You are under no necessity or obligation to remain where you are![33]

For Shadd, "some other locality in God's wide universe" was primarily Canada. The emigration movement of the 1850s received an unexpected blow from Shadd and the black community in Canada West. Aware that Martin Delany favored emigration to Central and South America over Canada, editors at *The Provincial Freeman* questioned the motives and intentions of the nationalist-emigrationists. The *Freeman* also took the position that support of black nationalism would negate Canadian blacks' present allegiance to Great Britain in favor of a separate black nation. Instead, the paper urged blacks to come to Canada to be a part of the "Colored British nation" that "knows no one color above another, but being composed of all colors. . . is evidently a *colored* nation."[34] In one attack on the idea of a colony in Central or South America, the editors queried:

> What will you do . . . when, surrounded by big spiders, lizards, snakes, centipedes, scorpions and all manner of creeping and biting and things? Do you want to be sun-struck? Do you court yellow fever and laziness, haughty employers, and contemptible black prejudice? If you do, go in peace.[35]

Delany eventually won over Shadd and her brother after modifying his previous opinion on black emigration to Canada. However, Delany continued to emphasize colonization in areas outside North America, while Shadd considered Canada--or any other place under British rule--as the "really free country."[36] Reports of sickness, death, and poor living conditions eventually provided anti-emigrationists with ample evidence against the Haiti plan, and also influenced the reaction of former emigration allies. In Canada the worst abuse came from Shadd, who denounced the Haitian movement for: reviving the previously discredited ideas of the African colonization movement; retaining emigration agents who stifled public disagreement with their views; and proving to be a death trap for blacks from North America.[37]

Shadd also believed that women were a necessary part of the crusade to end slavery, and she addressed many articles on slavery directly to her women readers. The following essay was presented by the Toronto Ladies Association to the "Women of the U. States."

> We would then ask you, in the spirit of Christian love, to use that influence which, as sisters, as daughters, and as mothers, you possess, for the *abolition* of a system which deprives its victims of the fruits of their labor; which substitutes concubinage for the sacred institution of marriage; which abrogates the relation of parent and child, tearing children from the arms of their parents, and parents from each other; which shrouds the intellect of rational beings in the dark gloom of ignorance. . . .To encourage such [antislavery advocates] in their works of love, and to arouse others to use more energetically the means with which Nature hath endowed them for similar purposes, we now venture to address you, and earnestly pray that to you, the women of the United States, may belong the imperishable honour of removing from your soil the iniquitous system of Slavery, which that noble spirit--the ornament of your country--Judge Jay, has described as 'a sin of crimson dye,' and the 'abolition of which in your land was amongst the first wishes' of the immortal Washington.[38]

A similar article, "An Appeal to the Women of the Free States of America on the Present Crisis in Our Country," was a plea from Harriet Beecher Stowe to "let every woman of America do her duty." Stowe implored every woman, "for the sake of our dear children, for the sake of our common country, for the sake of outraged and struggling liberty throughout the world," to join the struggle against slavery.[39]

Supporting her philosophy that women were capable of fulfilling any role that men could, Shadd enlisted the aid of her 23-year-old sister, Amelia C. Shadd, as a "Canadian Contributor" in the fall of 1854. Several weeks later, she removed the names of Ward and McArthur from the *Freeman* masthead--"gentlemen" who had done little toward the paper's successful operation. She also alerted her readers to the fact that "Brother Shadd" was a woman, and the misconception was

> a mistake occasioned, no doubt, by the habit we have of using initials. . . we would simply correct, for the future, our error, by giving, here, the name in full, (Mary A. Shadd) as we do not like the Mr. and Esq., by which we are so often addressed.[40]

Ironically, Shadd's position on the role of women forced her to relinquish control of the *Freeman* for a time. Despite readers now addressing their correspondence to "Dear Madam," rather than to "Dear Mr. Freeman," public outrage over women in the male position of editor threatened the *Freeman*'s existence. In June of 1855, the sisters were deemed offensive to the public because they were "obnoxious persons" and "editors of the unfortunate sex." Threatened with losing the paper because of sexual prejudice, Shadd promised her readers

> a gentleman Editor--one that will see to your interest. . . The ladies will be pleased, and assist to sustain it, which they will not do while a colored female has the ugly duty to perform; then

> it is hoped, that the childish weakness, seen in some quarters, will disappear altogether.[41]

Three weeks later, Shadd announced her resignation and the appointment of a new "gentleman editor," the Rev. William P. Newman. In the article "Adieu," she bade her readers farewell, while chastising them for their treatment of women journalists. She advised:

> To its [*Freeman*] enemies, we would say, be less captious to him [Newman] than to us; be more considerate, if you will; it is fit that you should deport your ugliest to a woman. To colored women, we have a word -- we have 'broken the Editorial ice,' whether willingly or not, for your class in America; so go to Editing, as many of you as are willing, and able, and as soon as you may, if you think you are ready; and to those who will not, we say, help us when we visit you, to make brother Newman's burdens lighter, by subscribing to the paper, paying for it, and getting your neighbors to do the same.[42]

It was also the *Freeman*'s 'adieu' to Toronto as Shadd detailed her plans to move operations to Chatham. Not only had several of her relatives moved to Buxton near Chatham, but Chatham's black population had increased. The nearness of her family would also be helpful for her brother Isaac, who had become the new publishing agent, and Newman lived nearby in Dawn.[43]

Shadd relinquished only her title as editor, and she continued to serve as an agent and correspondent for the *Freeman*. On Jan. 23, 1856, she married Thomas F. Cary, a Toronto barber, in hopes of establishing a family life, something she had missed as a busy editor. However, the

Freeman was in financial trouble again, and the new Mrs. Cary was on the road to Chicago on a lecture tour five days after her marriage.[44] By May 10, 1856, Shadd's name was back on the masthead, along with her brother Isaac, and H. Ford Douglass, a young lecturer with whom Shadd had traveled on the months-long tour. Shadd, who chose to use her maiden name, explained that the triumvirate was listed as joint editors in order

> to facilitate our work, as managers of this paper are also itinerant canvassers for subscribers to the same [for support from anti-slavery men in the United States] at times, we must satisfy them that we are occupying a reliable and honest position, and are not to be placed in the catalogue of deceivers, but really labor to promote sound principles, and honorably apply the proceeds of our labor for that object.[45]

The *Freeman* appeared sporadically after Shadd's return. The paper suspended publication for about four months during the summer due to a shortage of funds. Regular publication resumed later in the fall, but the financial situation continued to deteriorate with too many subscribers in arrears. In February of the following year, Shadd implored her readers to "Pay Us what You Owe," threatening to "(l)et there be honest dealing all around and we will be enabled to pay what we owe and not be forced to tell on you."[46] Despite the efforts of Isaac to keep the paper afloat, by 1859 the *Freeman* was dead.[47] One historian attributes the demise of the paper to Mary Ann's fervor and strong attacks on numerous organizations and individuals. In addition, "(p)overty-striken, unlettered fugitives could not read the paper," and of the blacks who could read, "many were alienated by the free-wheeling way in which its editors lay about themselves."[48]

Without the responsibilities of running a newspaper, Shadd became more active in the abolitionist movement. A year earlier the *Freeman* offices had served as a meeting place for abolitionist John Brown's Chatham convention, and Osborne Anderson, a Pennsylvania black who had done work for the *Freeman*, was chosen from among the staff to accompany Brown as a reporter at the scene of Harper's Ferry. Shadd later helped Anderson write and edit his account of the raid, believing that, had she been a man, two Chatham blacks would have been present at Harper's Ferry.[49]

After Thomas Cary's death in 1860, Shadd was financially bereft. She returned to teaching at Chatham and contributed occasionally to the *Weekly Anglo-African* in New York. However, President Lincoln's plea for 500,000 men to replace those Union soldiers lost at Gettysburg and Vicksburg rekindled Shadd's spirit of activism. With the help of her old friend, Martin Delany, she was commissioned in 1863 as a recruiting officer to encourage black enlistment into the military in Indiana. She accepted her commission from the governor of Indiana, Levi P. Morton.[50]

After the war, emancipation brought a new type of racial hostility, and Canada was no longer the promised land for blacks. Whites felt that since blacks could now safely live in the United States, they *should* live there. For the blacks, freedom meant the opportunity to locate missing friends and family back in the United States. Shadd joined the masses of blacks who returned across the border to aid in educating and helping to assimilate the newly freed blacks.[51]

Shadd received her teaching certificate in Detroit in 1868 and moved to Washington, D.C. She worked as a teacher during the day and entered Howard University in 1869 as its first woman law student. A victim of sexual discrimination, Shadd was not allowed to graduate in 1871.[52] Despite the personal setback, she continued her political activism, taking a public stand for woman's suffrage.[53] She also continued to express her philosophy that the role of the black woman included fighting for her race, as well as her sex. As a contributor for Frederick Douglass' *New National Era*, she admonished black women to seek work for black youth.

> Our women must speak out; the boys must have trades. . . . I want our poor tongue-tied, hoppled, and 'scart' colored women. . . to let the nation know how they stand.[54]

In June of 1874, she also wrote an article on equality of the sexes as displayed by men and women journalists. She reasoned that that instance should be applied to all areas of life. From the woman's point of view,

> (b)y intuitive perception of their proper relations the unification of the sexes has been conceded, and so thoroughly accepted, as to demonstrate conclusively that the terms male and female are co-related: -- if so in that department it should be in every other.[55]

Shadd continued as a lecturer, teacher, and journalist despite continuous bouts with rheumatism. She returned to Howard University to repeat the courses she had already taken, receiving her degree in 1883 and practicing law at the age of 60. She died in 1893 at the age of 70, suffering from rheumatism and cancer.[56]

She had surpassed her own abolitionist role models and made a name for herself as an emigrationist--becoming a role model in her own right. She espoused not only equality of the races, but also equality of the sexes at a time when a woman's role rarely extended outside the home. She also set a precedent for the newspapers before the Civil War, providing a public forum and risking public outrage in the interest of her readers. From letters of encouragement to scathing editorials, Mary Ann Shadd Cary prodded, guided, and provoked her readers to address issues such as slavery, equality, economic advancement, and moral improvement -- making their voices heard, as well as her own.

ENDNOTES

[1] See, for example, Paula Giddings, *When and Where I Enter: The Impact of Black Women on Race and Sex in America* (New York: William Morrow and Co., 1984); or, Dorothy Sterling (ed.), *We Are Your Sisters: Black Women in the Nineteenth Century* (New York: W.W. Norton and Co., 1984).

[2] Mrs. N.F. Mossell, *The Work of the Afro-American Woman*, 2nd edition (Philadelphia: Geo. S. Ferguson Co., 1908), 99.

[3] Lucy Wilmot Smith, *The (Indianapolis) Freeman*, 23 February 1889.

[4] Bert James Loewenberg and Ruth Bogin (eds.), *Black Women in Nineteenth-Century American Life: Their Words, Their Thoughts, Their Feelings* (University Park: Pennsylvania University Press, 1976), 28.

[5] Ibid.

[6] NOTE: The family eventually altered the surname and adopted the anglicized form of spelling.

[7] Jason Silverman, "Mary Ann Shadd and the Search for Equality," in Leon Litwack, and August Meier (eds.), *Black Leaders of the Nineteenth Century* (Urbana, Ill.: University of Illinois Press, 1988), 87.

[8] Benjamin Quarles, *Black Abolitionists* (New York: Oxford University Press, 1969), 178.

[9] Silverman, 87.

[10] Ibid, 88.

[11] Harold B. Hancock, "Mary Ann Shadd: Negro Editor, Educator, and Lawyer," *Delaware History* 15 (Spring 1973): 187-194.

[12] For an example of Bibb's reputation among blacks, see Martin R. Delany, *The Condition, Elevation, Emigration and Destiny of the Colored People of the United States,*

Politically Considered (Philadelphia: By the Author, 1852), 130-131.

[13] Extensive details of the feud can be found in Jim Bearden, and Linda Jean Butler, *Shadd: The Life and Times of Mary Ann Shadd Cary* (Toronto: N.C. Press, Ltd., 1977); or Jason Silverman, "Mary Ann Shadd and the Search for Equality," in Leon Litwack, and August Meier (eds.), *Black Leaders of the Nineteenth Century* (Urbana, Ill.: University of Illinois Press, 1988), 87-100.

[14] Edward T. James and Janet Wilson James (eds.), *Notable Black American Women, 1607-1950: A Biographical Dictionary* (Cambridge: Harvard University Press, 1971), 999.

[15] See *Voice of the Fugitive*, 17 June 1852 and 9 July 1852.

[16] See Mary A. Shadd, *A Plea for Emigration: Or, Notes of Canada West, in its Moral, Social, and Political Aspect: with Suggestions Respecting Mexico, West Indies, and Vancouver's Island, for the Information of Colored Emigrants* (Detroit: George W. Pattison, 1852).

[17] MAS to Whipple, December 25, 1852. MASC Papers, Moorland-Spingarn Research Center, Howard University, Washington D.C. Subsequent letters are all from the MASC Papers.

[18] MAS to Whipple, July 22, 1852.

[19] *Voice of the Fugitive*, 1 July, 29 July, and 26 August 1852.

[20] See, for example, Alexander L. Murray, "Canada and the Anglo-American Anti-Slavery Movement: A Study in International Philanthropy," Master's thesis, University of Pennsylvania, 1960. Murray wrote: "Mary Shadd decided that another fugitive slave newspaper was needed to counteract the evil influence of Bibb's *Voice*. Apparently, she discussed the matter with Samuel Ward, who agreed to lend his name to the paper as Editor, although the real work was to be done by her. Miss Shadd, whose family still lived in Philadelphia, was familiar with the *Pennsylvania Freeman*, the Garrisonian anti-slavery paper of that city. Therefore, she called her Canadian paper the *Provincial Freeman*."

[21] For a description of the lifestyles and reputations of the Committee of Publication, see Samuel Ringgold Ward, *Autobiography of a Fugitive Negro: His Anti-Slavery Labours in the United States, Canada, and England* (London: John Snow, 1855), 133-224.

[22] *Provincial Freeman*, 27 April 1854.

[23] *Provincial Freeman*, 12 August 1854.

[24] Ibid.

[25] *Provincial Freeman*, 6 May 1854.

[26] *Provincial Freeman*, 15 April 1854.

[27] *Provincial Freeman*, 15 July 1854.

[28] See, for example, *Provincial Freeman*, 6 May 1854. "Extraordinary Performances of a Lady" details the antics of a young woman hunter.

[29] *Provincial Freeman*, 25 March 1854.

[30] *Provincial Freeman*, 12 August 1854.

[31] *Provincial Freeman*, 6 May 1854.

[32] *Provincial Freeman*, 15 April 1854.

[33] *Provincial Freeman*, 25 March 1854.

[34] *Provincial Freeman*, Chatham, Ontario, 15 April 1854.

[35] *Provincial Freeman*, 20 May 1854.

[36] *Provincial Freeman*, 24 March 1853.

[37] *The Weekly Anglo-African*, 28 September 1861; 19 October 1861; 26 October 1861; 9 November 1861; 28 December 1861; 15 February 1862; 5 April 1862.

[38] *Provincial Freeman*, 24 March 1853.

[39] *Provincial Freeman*, 25 March 1854.

[40] *Provincial Freeman*, 2 Sept., 23 Sept., 21 Oct., and 28 Oct. 1854.

[41] *Provincial Freeman*, 9 June 1855.

[42] *Provincial Freeman*, 30 June 1855.

[43] Bearden and Butler, 163.

[44] Ibid, 187.

[45] *Provincial Freeman*, 10 May 1856.

[46] *Provincial Freeman*, 28 Feb.1857.

[47] Some historians have claimed that Isaac Shadd continued to publish the *Freeman* sporadically years after this time, but no evidence exists to substantiate this claim.

[48] Robin W. Winks, *The Blacks in Canada: A History* (Montreal: McGill-Queen's University Press, 1971), 396.

[49] Osborne P. Anderson, *A Voice from Harper's Ferry* (Boston: By the Author, 1861); Bearden and Butler, 201; James and James, 1002.

[50] James and James, 1002.

[51] Bearden and Butler, 206-208.

[52] Ibid, 211.

[53] Shadd spoke at the National Woman Suffrage Association convention in 1878 and organized a local meeting in Washington in 1880. See Elizabeth C. Stanton, *History of Woman Suffrage*, III (New York: n.p., 1886); *People's Advocate*, 21 Feb. 1880.

[54] *New National Era*, 2 March 1872.

[55] MASC Papers, Moorland-Spingarn.

[56] Bearden and Butler, 231-232; James and James, 1002.

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OVER

JAMES BRYCE AND THE PROMISE OF THE AMERICAN PRESS
1888-1921

by

James D. Startt
Valparaiso University

James Bryce and the Promise
# of the American Press
1888-1921

Time has not diminished the reputation of James Bryce as an observer of American character and institutions. His classic study, The American Commonwealth, first appeared in 1888, and it is still in print today. Like Alexis de Toqueville, with whom he shares the front rank of foreign interpreters of the American nation, Bryce was interested in public opinion. This, in turn, led him to an examination of the American press. In fact, he studied the American press on three occasions: in the American Commonwealth (1888), during his ambassadorship to the United States (1907-1913), and in his last major work, Modern Democracies (1921). Since historians have overlooked that significant commentary on the press, it is the purpose of this paper to correct that oversight. It is based on Bryce's major studies and on original sources regarding his years as ambassador to Washington. The paper describes the nature of his thoughts on the press, how they changed over time, how that fit into the corpus of press criticism emerging during his time, and how he viewed the relationship between the press and the people.

James Bryce and the
Promise of the American Press
1888-1921

Many foreigners have analyzed the American nation, but among them James Bryce holds a unique position. Students, scholars, and the reading public on both sides of the Atlantic have considered his The American Commonwealth a classic since it first appeared in 1888. Only de Tocqueville's famous investigation of American culture and institutions, Democracy in America, has received greater acknowledgment than Bryce's inquiry, and some would reverse the perceived order of those two renowned works. Bryce's observations, those of a Gladstonian liberal and celebrated scholar, on American public life are particularly interesting not only because of their range and depth but also because of the understanding they offer of the characteristics of the nation as it acquired its modern form. After publishing The American Commonwealth, he continued his inquiry into American life in several ways and for many years. One of the objects of those studies that most interested Bryce was public opinion, and that led him to examine the political role the press performed in this country.

Bryce's commentary on the American press stretched across more than three decades, from 1888 to 1921. They were years when the press was transforming into the modern mass media it has become in the twentieth century. During that time Bryce made three efforts to articulate his thoughts on our national press: first in his American Commonwealth in 1888, then during the years of his ambassadorship to the United States from 1907 to 1913, and finally in his last major scholarly work, Modern Democracies in 1921. Bryce possessed a widely acknowledged ability to discern national institutions, and during his career he combined deep scholarly writing with an active political life. In time the latter earned him recognition as a respected statesman. He was a great defender of liberal principles and perceived the press as an institution necessary for the progress of liberal democracy. In fact, at the outset of his critique of the American press, he called it "the chief organ of opinion" in the United States.[1] Yet, in his time, the liberal concept of a free press in a free society, of the press as a trusted media defending and contributing to the well-being of the nation and fostering its progress, appeared to be slipping.

Critics on both sides of the Atlantic became disillusioned with its predominant tendencies. Contrasting it to an older concept of a more responsible press engaged in strengthening the political culture of democratic society, they feared the emerging newer journalism was losing its ethic of public service that allowed it to advance its claim to be ranked as a profession. Its growing sensational content disturbed them. It cheapened politics, lowered the vision of its readers, and corrupted social standards. Some critics believed its commercialization had gone too far and that, instead of being a forum for ideas and opinions, the press was becoming a vehicle for capitalist exploitation. Doubts about its trustworthiness were widespread. Quite naturally, the press also had its defenders who claimed that with its modernization and greater democratization it had increased its vitality and influence. There existed, in fact, an ongoing debate about the press in a liberal democratic society that has continued to the present. Since Bryce's reflections on the American press were offered during the decades that shaped many of the lines of argument characterizing that debate, his views, those of an astute foreign observer, are worth having. As Edmund Ions has stated recently, Bryce brought to his study of American institutions "the broad vision of a statesman and the candour of a trusted friend."[2]

His thought about the press in the United States underwent an interesting evolution from the time of its inception to that of its final statement. While retaining his faith in the promise of the press, he saw much of the flaw and folly of many of its practices. How did his thought evolve on this subject and what was his concluding opinion on it? This essay will address those questions, which have received only scant and superficial previous attention. Neither of Bryce's biographers explore the subject, and other writers who have referred to it have failed, beyond briefly commenting on the treatment it received in The American Commonwealth, to give it significant consideration.[3]

I.

The press Bryce described in The American Commonwealth can be seen in perspective as an institution in the midst of a fundamental change. Practices and ideas set in motion with the beginning of the penny press in the 1830s produced the modern American press by the opening of the twentieth century. Its emergence was a long process that involved the gradual displacement of an older style journalism associated with political parties and with forceful editors and publishers who stamped their personalities on their papers. Large metropolitan dailies took their place and reflected the growing urban culture of the country. These papers, popularized by their sensational content and other attractive features and facilitated by many advances in news gathering, production, and distribution, appealed to mass audiences and attracted advertisers. By 1900 large metropolitan American newspapers had become big business. They were also the most studied publications produced in this country, and most people who wrote about the press had newspapers of this type in mind. Students of journalism naturally wondered how this modernization of the press would affect its political function. This was true in the case of Bryce who was concerned with the press as a political force. When he spoke of the press he meant the political press.

His treatment of the institution in The American Commonwealth was generous. Its power, he said, was hard "to estimate," but he clearly recognized it as a real force. He especially had newspapers in mind. They were powerful, he said, in three ways: "as narrators, as advocates, and as weathercocks." In the first instance, as a narrator of events, he claimed that "the American press was the most active in the world." Some newspapers, though not the best ones, allowed this active pace to lead to news reports that exceeded the truth. Bryce recognized this tendency and understood that it compromised the integrity of those papers. Yet, about such license with truth, he offered this explanation: "The appetite for news, and for highly-spiced or 'sensational' news, is enormous, and journalists working under keen competition and in unceasing haste are disposed to take their chance of correctness of the information they receive." All considered, he concluded that the press as the narrator of news did "some harm . . . but probably more good. . . . If the heedlessness of the press sometimes causes pain to the innocent, it does a great and necessary service in exposing evil-doers, many of whom would escape were it never to speak except upon sufficient evidence. It is a watchdog whose noisy bark must be tolerated even when the person who approaches had no bad intent." Bryce believed that the press was therefore able not only to expose some abuses but also because of the "fear of publicity" to prevent others.[4]

He believed the press was equally impressive in its second capacity, as an advocate. In the United States, he observed, newspapers were "universally read and often ably written." Although they were accused of "unfairness and vituperation," he failed to see any difference between American and European newspapers "at a time of excitement." Editorials in American papers, he admitted, were of lesser consequence than those in their European counterparts, and he added that the American editorial was "effective only when it takes hold of some fact (real or supposed), and hammers it into the public mind." He claimed that in those instances the force of advocacy was considerable, as the fear of "unclean politicians" proved. "Mere abuse he [the corrupt public figure] does not care for, but constant references to and comments on misdeeds of which he cannot clear himself tell in the long run against him." On the other hand, he found the party press less powerful in this country than in Europe. He felt that the average person here was "shrewder, more independent," and less devoted to a single paper than were the readers of European papers. In this country he found that "comparatively few quote their favorite newspaper as an oracle in the way many persons still do in England." Here only an extraordinary figure like the late Horace Greeley of the New York Tribune attracted such a following. To the contrary, Bryce observed that the average American read more than one newspaper and that in American cities there was a severer competition between "really strong papers" than in Europe.[5]

It was the press in its third capacity, as a "weathercock" or a reflector of opinion, that most impressed Bryce. In this case, he dismissed the party press, for he found it of "little use" as an instrument of public opinion in general. The most effective disseminators of public opinion in his estimate were the great urban journals that were either independent or semi-independent. These papers normally supported one party, but they could reverse that support in matters they found offensive or contrary to public opinion. Along with these papers, Bryce found the religious weekly journals, greater in number and influence here than in Europe, also to be effective instruments of public opinion. Normally neutral, these weeklies could make their weight felt on important occasions, particularly during presidential elections and at times when a moral issue emerged in the public debate. Then, Bryce contended, "great is their power, because they are deemed to be less 'thirled' to a party or a leader, because they speak from a moral standpoint, and because they are read on Sunday, a time of leisure, when their seed is more likely to take root."[6]

There were also several journalistic practices that he believed made the press a formidable instrument of public opinion. He discovered that American newspapers took more notice of one another than the British. The former were more apt to quote from others of similar persuasion and to attack those of differing views. Moreover, American newspapers contained much more of the "private deliverances of prominent men" than found in papers abroad. Along with letters to the editor, as one would also find in the British press, this was accomplished by the publication of letters not addressed to newspapers but to a friend, who in turn gave it "the publicity for which it was designed." Then, of course, there was the interview, a device commonly used in American papers but still uncommon in the British press. Many times interviews were sought by reporters; sometimes they were invited by prominent figures who wished to communicate their views to the public. "All of these devices," Bryce concluded, "serve to help the men of eminence to impress their ideas on the public, while they show that there is a part of the public which desires such guidance." Such practices also gave the American press an ability to detect, fathom, and report opinion that was "almost unknown in Europe."[7]

Bryce's account of that institution was far from complete. But he never intended to render a comprehensive analysis of it. He set out to describe the political press as an instrument useful in the shaping and transmission of public opinion. That being the case, it is somewhat surprising that he failed to address a number of associated topics such as: the increased use of pictorial journalism, the growth of the commercial side of the craft and its implications for a paper's news and editorial content, and various problems in presidential-press relations that were common in the post-Civil War presidencies. Moreover, there was more to sensational journalism than Bryce allowed. Five years before The American Commonwealth saw the light of day, Joseph Pulitzer purchased the New York World. By 1887 it had a circulation of 250,000 (the largest in the United States), and its spirited combination of reform and coarse sensational journalism was an object of attention for everyone interested in the American press. Bryce may have found a closer study of the sensationalist tactics employed by Pulitzer rewarding to consider in greater detail than he did. Regardless, he was perceptive in recognizing the passing of an older style of personal journalism exemplified by men such as James Gordon Bennett, Sr., Horace Greeley, and Henry J. Raymond. The same could be said about his comments on the growing importance of news and reporting and of the decline of the party press and editorial authority in general. He was perceptive, too, in his reference to the political influence of the religious press.

The American Commonwealth, moreover, is a work that reflects many of the attitudes of the 1880s. Passages in it addressing the press underscore the point. Bryce, for instance, was only relating the obvious when he referred to the press as a vehicle of reform, for in the 1880s it was, and was perceived as, a dynamic element of urban reform. Moreover, by that time the first history of the modern press had appeared and had received considerable attention among scholars. Frederic Hudson's opinion of the press may not have satisfied all students of American journalism in the 1880s, but it was the prevailing view. In 1873, when he published his Journalism in the United States, from 1690-1872, the first full treatment of the subject since the advent of the penny press in the 1830s, he proclaimed the fact that the press was developing as a progressive instrument of reform. Its "power and influence," he wrote, were "widely acknowledged."[8] In retrospect, Hudson can be credited with establishing the Development School of writing on the American press, which stresses the growth and progress of the press as a news medium.[9] So Bryce was in basic accord with the most authoritative statement on the American press available at the time.

There was, in fact, a widespread belief both in the United States and in Bryce's own country in the force of public opinion and in the press as an instrument imperative to the shaping and dissemination of that opinion. With his liberal view of society and his confidence in public opinion as a progressive force working within it for its betterment, Bryce was naturally inclined to describe the press in positive terms. To his credit he did so without reference to the exaggerated "Fourth Estate" rhetoric that was all too common at the time. Would his good opinion of the press survive his experience as British ambassador to the United States?

II.

Bryce arrived in Washington as ambassador in 1907. By then he had become, as several recent writers have claimed with only slight exaggeration, "the most popular Englishman of his generation in America."[10] He was a distinguished scholar and jurist. As far back as 1864, he had gained international recognition for his book, the Holy Roman Empire. His later major works, Studies in History and Jurisprudence (1901), Studies in Contemporary Biography (1903), and, of course, The American Commonwealth (1888) enhanced his reputation among intellectuals. He was a world traveler and a veteran politician. An admirer of Gladstone, he entered the House of Commons in 1880 and served there continuously for twenty-six years. He had held positions in the governments of all the Liberal prime ministers since he entered politics (i.e., Gladstone, Rosebery, and Campbell-Bannerman). His contacts with the United States were many. For years he wrote for E. L. Godkin's New York Nation and had corresponded with a long list of this country's cultural elite.[11] Among them Bryce was known as a versatile scholar-statesman who understood the United States, sympathized with its good causes, and believed in the greatness of its future. Beyond that charmed circle, he was mainly known as the author of The American Commonwealth, which became a standard source used in high school and college classes across the country. More than any foreigner of the time, Americans considered Bryce an authority on the United States.

Given the fact of his reputation and that of his American Commonwealth (it is still in print today), curiosity leads one to wonder if his experience as ambassador confirmed the observations he made about American institutions in his famous book. In particular, did he change his views about the press? As ambassador he read a number of major newspapers and had to deal with reporters in Washington and also during his numerous trips around the country. The record shows that he discussed the subject of the press with many people, even with President Theodore Roosevelt, and his correspondence with associates in England indicates that he retained a sharp interest in this subject throughout his years in Washington.[12]

Bryce became apprehensive about the American press from the very start of his ambassadorship. It grew "more mendacious and more reckless every year," he reported to Sir Charles Hardinge at the Foreign Office.[13] During the ensuing years, his personal correspondence from Washington returned to this basic point a number of times and in a number of ways. The composite picture that emerges from those letters is one of an arrogant and irresponsible press that catered to the sensational and little respected truth.[14] To his old friend, the well-known jurist A. V. Dicey, who had accompanied him on his first trip to the United States in 1870, he confided that the press was having a harmful effect on the level of sophistication of the mass of Americans. The low level of the press, he wrote, helped to explain why "the proportion of truly educated men increases . . . more slowly than one had expected." He added that even educated men allowed newspapers to be what they were because they failed to "insist on having something better."[15]

Bryce came to distrust the press, and as ambassador he tried to distance himself from it.[16] While admitting that his numerous speeches, which were on nonpolitical topics and for which he gave reporters a prior summary, were fairly treated in the papers, he believed that interviews posed a "real" problem. He explained the nature of the problem to Foreign Secretary Sir Edward Grey in this manner. " . . . When I refuse, as always, to talk about politics . . . [the interviewers] invent statements which they put into one's mouth, as they did the other day in Oklahoma. Against these shameless falsehoods there seems to be no remedy and Americans who suffer from them tell me there is no redress." Even when he remained silent, he found that reporters invented statements and attributed them to him. All one could do was to offer a contradiction. After talking to President Roosevelt about this subject, he reported to Grey that the president "admitted to me that the newspapers have grown and are growing worse. They are the worst thing in the country."[17]

References to fabricated news reports of various sorts, or "inventions" as Bryce called them, appear in a number of his letters. He found the practice widespread in the press, particularly when it dealt with prominent people. According to him, the "inventions" were deliberate. "A malicious story is invented by some obscure journalist, and published in some local journal attached to the name of some public character; if the principal organs of the press think it will please their readers it will be reproduced with more or less caustic comments throughout the country. Another more startling fiction will follow, until a reputation of national or possible international importance is seriously prejudiced."[18] He did not believe, however, that local papers had a monopoly on these journalistic inventions. On one occasion he reported to Grey that "during the past few days there had been a carnival of lying on the part of the most unscrupulous papers in the U.S., the 'American,' Hearst's organ, and the 'N.Y. World.'" In this case, those papers were commenting on William Bayard Hale's interview with Kaiser Wilhelm II for the Century, which he agreed not to publish because of its international ramifications. "Most of what they print is pure invention," Bryce said. He did admit that it was possible that some fragments of the interview may have leaked out. If that were the case, neither the American nor the World hesitated to build stories upon them, even if they inflamed international relations.[19]

Indeed, the possible international repercussions of such reckless journalism disturbed Bryce. "Here the press has been doing its best to make trouble [between Japan and the United States]," he reported.[20] It was not long after making that report that he reflected on such loose journalism: "Why the newspapers persist in trying to get up a war between the U.S. and Japan is not easy to see except as the hypothesis that it suits them to burn down houses for the sake of having paragraphs describing the fire. They have brought themselves to the point of believing their own nonsense."[21]

The disparaging tone appearing in his private correspondence about the press also can be found in his annual ambassadorial reports to the foreign office. In these reports he usually referred to a "large section" of the press when addressing the subject. It was a section he found disreputable, ill-formed, hasty in judgment, and guilty of "unbridled license" as well as of nauseous vulgarity." The pity of it, he reflected after his first year in Washington, lay in the fact that "these newspapers are practically the sole educators of the bulk of the working classes, and of a great many persons above that grade." He recalled that Thackeray once "humorously talked of a journal to be written by gentlemen for gentle-men." Now, he said, "the exact opposite would be a fair description of the majority of American daily papers."[22] Within several years after starting his tenure as ambassador, he began to speak of the American press as an "evil" which sensible people tolerated as a type of disease for which "no cure has been or can be discovered."[23] Such remarks reappeared in his annual reports and could even become more adamant. By the end of 1910 he had this to say about the press: "There are, of course, some honest and sensible newspapers. But of most, including nearly all those read by the masses, it may be said that their recklessness, their mendacity, their indifference to the interests of their own country, the impunity with which they traduce public men and violate the decencies of private life make them so pernicious that one is sometimes inclined to deem ignorance better than the sort of knowledge they give."[24] Bryce, indeed, had distanced himself from his comments of twenty years or so before when he had written in The American Commonwealth in such positive terms of the press in this country and how it was capable of doing more harm than good.

There is, in fact, a striking difference between what he wrote two decades before about the press and his observations as ambassador about that institution. Now there was no mention of the press as a powerful agent of reform, no mention of it as an index to public opinion, and no reference to how through its interviews and public letters it made known the thinking of prominent men. Instead of speaking of the power of the press, he now concentrated on explaining its harmful influence. He held these views until the end of his ambassadorship, as comments in his last annual report indicate.[25] In his opinion, the press had become a detriment to public opinion. The best he could say about the problem was that "among educated people at least the newspapers, especially in personal matters, have probably less weight here than in any other country." [26]

Why had Bryce hardened his views about the American press? He never provided a direct answer to that question. The obvious explanation partly answers the question. As ambassador he was being covered by the press and not merely observing its workings in a scholarly manner. Many champions of the press from Jefferson to Woodrow Wilson became cooler toward it when they engaged it in practice. There is also a good deal of contextual evidence to widen that answer. Years before the start of his ambassadorship the new journalism initiated by Pulitzer in the 1880s had devolved into the "yellow journalism" epitomized by the famous Pulitzer-Hearst circulation rivalry. As "yellow journalism" grew during the twenty years following 1890 so did criticism about it. A virtual genre of commentary emerged regarding it that denounced its sensationalism, its untrustworthy reporting, its detrimental effects on private and public character, and its commercialism.[27] When the exposé journalism that Theodore Roosevelt labeled "muckraking" appeared after the turn of the century, it too drew abundant criticism from publicists.[28] In this case, they complained about how it played upon passions, aroused fears of the established form of government, disregarded facts, made reckless attacks on public figures, and offered no reasonable alternative to the existing if imperfect order. As was true in the case of the criticism of the press in general, it was admitted in the case of the muckrakers that there were some decent elements in the movement that had served the public good. Critics maintained, however, that its excesses had become intolerable.

Then in 1911 Will Irwin published his heralded series of articles, "The American Newspaper: A Study in Its Relation to the Public." This most famous critique of the press at the time became a classic in journalism history. Based on more than a year's research, the series acknowledged the "power of the press" and contended it had "more influence than ever before."[29] Irwin admitted that the heyday of "yellow journalism" had passed although many vestiges of its spirit remained in the daily press. But as the series progressed, it became clear that he had found a new chief culprit, the menace of capital and of owners to the well being of the press.[30] With that Irwin echoed and analyzed the most serious press criticism of the generation, one that has continued to the present. It is surprising, therefore, that Bryce made so little reference to it in his comments. Yet it is clear Bryce's remarks on the press reflected the general current criticism of the institution and emphasized many of its specific complaints. Since they were the comments of a respected and observant public figure, they provide a significant validation of that criticism. Accordingly, one has to question the claim of James Melvin Lee who wrote in such glowing terms about contemporary newspaper ethics in his History of American Journalism, published just a few years later.[31] Many wholesome reforms were alive in American journalism in the decade or so before World War I, but the shortcomings of the institution remained great.

It might also be remembered that Bryce's comments appeared in private diplomatic correspondence. One purpose of such diplomatic communiqués from the United States was to report American problems, as well as the general conditions of the country, to the Foreign Office. Anything that might influence Anglo-American relations deserved to be included. The condition of the American press qualified as a major problem meriting reporting in all candour. Bryce would have been remiss not to have done so, for he believed the irresponsible elements in the American popular press were growing. As he told Grey in 1910: "Mr. Roosevelt, otherwise an inveterate optimist, told me three years ago that within his memory the daily press had grown worse, and . . . observation continued during many years makes one fear that he is right." It is reasonable to assume that Roosevelt influenced Bryce's changing attitude toward the press, for the ambassador admired the president and placed a high value on his judgment. Despite Roosevelt's considerable skills in the art of mass communication, he had his troubles with the press. Like Bryce, he complained in private about its dishonest reporting and editorializing. The president said, along the same line echoed by Bryce, that by practicing such mendacity the press was a great force of "evil" in the country.[32] Conversations he had with various other people also confirmed Bryce's fears about the press. In one report he reflected: "I have never met a thoughtful American prepared either to palliate its [the press's] faults or to suggest a remedy for them."[33] "All sensible

Americans," he wrote in another report, admitted the "turpitude" of the press. By the time he made the latter comment, he had begun to perceive "reckless mendacity of the press" as one of five main dangers threatening the United States.[34] While admitting that he had only little reason to complain about his own treatment in the daily press, he made his negative impressions of it an unmistakable part of his official communiqués.

It can also be noted that Bryce's opinion of the American press paralleled that of other British observers of the institution at this time. Sir Mortimer Durand, his predecessor as ambassador, wrote in his final annual report that "the best American newspapers, compared with ours, are vulgar and sensational, wanting in all reticence and dignity, and the rest are unscrupulous and bad thoroughly."[35] Alfred Michael Innes, a counselor of the British Embassy during Bryce's time, spoke of news "invention" much along the lines that Bryce did. During these years, renowned British journalists such as J. L. Garvin, H. W. Massingham, and St. Loe Strachey, publicists far apart in their political philosophies, frequently voiced sharp criticism of the American press and its influence on journalism in England.[36] Like Bryce these journalists, who were so much a part of the Fleet Street-Whitehall-Westminster political axis in Britain, recognized that there were some respectable American papers but concentrated their comments on the large sensational metropolitan dailies. Their remarks of the latter could be as denunciatory as Bryce's. Thus we find the Nation, Britain's leading Radical journal editorializing:

> The American press has gifts of its own. But it is no more than the bare truth to say that it tends to be untrustworthy in its news; ignorant, slight, and superficial in its comment; shifty, insecure, and exaggerative in tone; and disposed to feed, and to feed to excess, the commoner appetite of the people--the appetite for gambling, the appetite for hearing about the crime, the appetite of curiosity about the private doings of the rich and the ostensibly vulgar.[37]

The Nation's remarks underscore points similar to those mentioned by Bryce in his communiqués from Washington. Bryce, consequently, concurred with the then current criticism being raised about the reckless excesses of popular journalism by intellectuals on both sides of the Atlantic.

It is interesting to observe at this point that he resisted becoming a cynic in the process. He continued to believe in the American people. Though ill-served by the press, he felt that they would in time raise the level and tone of public life and of the institutions involved in it. In them, Bryce said, "we may perhaps find the best ground of hope for the future of the nation."[18] Such comments run throughout his communiqués of these years.

III.

Toward the end of his life, Bryce published his last major work. It came at a time when criticism of the American press was again in evidence, and, once again, for good reason. Most commentators who wrote about the press agreed that despite many, and sometimes serious, departures from established principles of sound journalism, it had reported the World War with admirable enterprise and at great expense to itself. But after the war serious indications of journalistic irresponsibility reappeared. In 1919 race riots broke out in both the North and South and a series of strikes occurred. With its patriotism aroused by the recent war and now in fear of a supposed Bolshevik menace in this country, the public reacted with a chauvinistic and defiant emotionalism that well earned the name of the "Red Scare." Too frequently the press was swept along in this tide of public intolerance, and made little effort to stand against it.

Some journalists, of course, resisted the tide, and raised their voice about the performance of the press in public affairs. The New Republic, for example, featured articles critical of the press in this instance and protested against the way in which the press had handled the race riots in its editorials. "The press is not innocent of fomenting race bitterness which wrecks itself in riots such as occurred in Washington on July 19th to 22nd," and "the role of the press has been infinitely worse [than that of public authorities]. In every case it has circulated wild rumors," one New Republic writer complained in a comment typifying the journal's concern.[19] Midway through 1920, Walter Lippmann and Charles Merz published "A Test of the News," the best known critique of the press by American journalists to appear in the immediate postwar years. Using the New York Times as a medium to study because of its reputation for excellence, they analyzed the reliability of news about the revolution and civil war that raged in Russia, and across the lands of its old empire, from 1917 to 1920. They found that the news of this event of commanding importance as reported in the Times was misleading and untrustworthy. It contained inaccuracies and reportorial bias. The paper had even allowed its editorial bias to influence its news on this subject.[40] Finally, the appearance of the New York Daily News on June 26, 1919, heralded the resurgence of "yellow journalism," this time in tabloid form. Before long other mass circulating tabloids, the Daily Mirror and the Graphic, were launched as New York experienced a new wave of sensational journalism. There were, therefore, many disturbing tendencies in the press for Bryce to consider in composing his last study of democratic institutions.

He began planning it as early as 1904, three years before beginning his ambassadorship, and the passages in it devoted to the press reflected the thinking he developed about the subject while serving in Washington. The book itself was a masterful study concentrating on the mainsprings of democracy in the United States, Canada, Australia, New Zealand, France, and Switzerland. Except for an occasional reference, he avoided using his own country as a source for the inquiry in order to achieve detachment. The result was, as Walter Lippmann and Allan Nevins once wrote, a statement of "one of the great Liberals of his generation testing, in balanced and penetrating fashion, a set of democracies by Liberal touchstones."[41]

Bryce achieved that balance in his analysis of the press. Now he expanded his largely positive treatment of that subject in The American Commonwealth, written more than thirty years before. His thoughts about the press in democracies had evolved since 1888. In 1907, for instance, he had come to view it as an exception to the general progress he detected in other American institutions. "What would Socrates have said to it," Bryce then lamented to one of his American friends.[42] Writing to another in 1921, he confided that "the power of the press seems the greatest danger ahead of democracy."[43] Thus the press in its present condition became an important object of his scholarship, and, as he told another American correspondent, it was his wish to explain the "causes that thwart democracy and those that pull it straight again."[44] Accordingly, in Modern Democracies he carefully described the faults and dangers he observed in the press as an instrument in the public debate. His critique made numerous references to the American press, both as a source for his conclusions about the subject in general and as a source for many direct examples.

Now three tendencies in the press disturbed him in particular. First, the press had become a big business, and the ramifications of that fact bothered him. As a result of its becoming a "lucrative business" enterprise, its commercial and financial interests grew and came to impair its role as an instrument of political enlightenment. The point had been made many times by critics of popular-sensational journalism both in Britain and the United States since the beginning of the century. The more entertaining newspapers became, the argument ran, the more their circulation expanded, and the more they attracted advertisements and increased profits. Bryce claimed this type of journalism was driven by shareholders interested in dividends and appealed to readers with "less education and less curiosity for what may be called higher kinds of knowledge, and with more curiosity for the lower kinds, such as reports of sporting contests, fatal accidents, and above all, accounts of crime and matrimonial troubles, . . ." He added that "this uninstructed, uncritical, and unfastidious mass of readers" allowed sensational newspapers to proceed without the restraint that had previously been imposed by a more educated class of readers. Such papers "could play down to the tastes of the crowd and inflame its passions," for the crowd was unqualified to discover the falsity of many of the "allegations and incitements" about which it read. Given this profit motive and reader reception, popular newspapers could make news more entertaining. They could select, trivialize and sensationalize news to public whim. They could also take the line most pleasing to buyers when "tendering sound advice" came into conflict with "increasing the paper's circulation."[45] This was not the only damage business inflicted on the press.

Bryce was also concerned about the influence that private commercial interests could exert on a newspaper. That was a common complaint among liberal and progressive American press critics since the beginning of the century, and it would continue long after Bryce published Modern Democracies.[46] In this instance, he contended that when a financial group of persons induced a paper to promote its interests or when such groups purchased a number of papers to promote their own business and political interests, its attitudes became determined by "undisclosed motive" rather than by "honest conviction" and the public was misled. "The risk," he said, "is always present." Bryce, in fact, had come to the conclusion that the commercialization of the press was harmful to the public good. He believed it was one of the things that had shaken "the complacent optimism that the growth of the cheap press had inspired."[47] There were others.

The fate of truth in news and opinion was Bryce's second major concern. He believed that it could be distorted by unfair argumentation "that which failed to abstain from falsification and calumny," by references to rumor as fact, by misrepresentation of fact, and by careful selection of the facts presented. The problem was many-sided. Sloppy reporting and abridgements of speeches that often missed the most significant points could also lead to "the truth of facts" faring ill. Truth was poorly served too by the treatment newspapers sometimes gave to public figures when they persisted in recalling a persons errors and when they invented and repeated false statements. Even someone with Theodore Roosevelt's vigor could not "always be contradicting misstatements and repelling charges. . . ." People who read the charges might miss the denials. Incessant repetitions of an accusation sways "that host of readers who are too listless to inquire into the truth of assertions or insinuations sandwiched in between the news about market and sports," and the newspapers would have the last word anyhow. Finally, Bryce felt truth was ill-served by partisanship, which he defined as "indiscriminate support of a political party," but he believed that was more prevalent in Europe than in the United States.[48]

Bryce's third concern about the press was related to the first two. It dealt with the inflammatory effect the press could have on public opinion, particularly as it became a factor in foreign relations. This too was a common charge made by critics of popular journalism both in England and this country since the 1890s. Bryce agreed with that criticism. He contended people knew less about affairs among nations than about domestic affairs, and, in the case of the former, "the newspapers may play up to and exaggerate the prevailing sentiment of the moment, claiming everything for their own country, misrepresenting and disparaging the foreign antagonist."[49] The matter obviously disturbed Bryce, and it led him to offer this warning:

> Newspapers have in all countries done much to create ill feeling and bring war nearer. In each country they say the worst they can of the other country, and these reproaches, copied by the newspapers of the other, intensify distrust and enmity. All this is done not, as sometimes alleged, because newspapers gain by war, for that is not always the case, since their expenditure also increases, but because it is easier and more profitable to take the path of least resistance.

> The average man's patriotism, or at least his passion, is aroused. It is comforting to be told that the merits are all on his side; nor can there ever be too many reasons for hating the foreigner.[50]

As proof of that statement, he referred to the performance of the American press before the Spanish-American War and to that of the British press prior to the Anglo-Boer War of a year later. But he also said that there were other examples that could be added to illustrate how the misrepresentations and exaggerations of the press were "especially mischievous" in the relations among nations. He had reported some as ambassador in Washington, and in the post-World War I years when he wrote the above, it is reasonable to assume that he was mindful too of the irresponsible behavior of the British and American press in reporting questionable news of German atrocities at the start of the war.[51]

But he could not allow his critique of the press to stand alone, for he still had faith in its potential as an instrument of the political culture of the land. He yet believed there were respectable newspapers and periodicals published in the United States. Even if "the worst papers" had become worse, "the best papers . . . [had] grown better." He continued to find much that was admirable in the press. In his opinion it still deserved credit for its vigilance, for preventing many other shameful deeds. He agreed with the other critics that the press in this country had performed well as a vehicle of instruction during the recent war. Most of all he felt that public opinion was the real ruler in the United States and that the gradual rise of its standard of excellence along with the continued improvement of the nation's civic and educational institutions would influence the press in time. All things considered, the press was still an indispensable popular instrument that connected the government with the people and helped the people to make those who govern responsible. No other agency could do what the press does in a democracy.[52]

Accordingly, along with the inquiry into the faults of the press, an affirmation of its good works and its imperative presence in a democratic society can be found in Modern Democracies. "It is the newspaper press that has made democracy possible in large countries," Bryce declared. It was, moreover, one of the strongest historic forces on "the popular side" in creating self-government and in exposing oppression and corruption. "The liberty of the press, he maintained, "remains an Ark of the Covenant in every democracy."[53]

The more than thirty year study Bryce made of the American press gave him the advantage of long perspective for writing about it in *Modern Democracies*. His critique on the subject in that inquiry was not original. Press criticism is as old as the press itself, and that of the modern press has repeated many of the same arguments from the late nineteenth century to the present. The importance of his reflections lies in the fact of his expertise and in the careful effort he made to explain the workings of American institutions. Several fundamental concerns underlaid press criticism during the time he produced that work. First, was the press a professional or commercial enterprise? If it were a combination of both, as most including Bryce contended, how could the professional part of it be preserved? Although he believed there was nothing dishonorable about the press's being in part business and acknowledged that its commercial groundings had increased its independence and expanded its reach, he remained uneasy about the growth of this element in contemporary newspapers. The possible commercial influence on the press as a vehicle of news and opinion disturbed him. "Newspapers have become one of the most available instruments by which Money Power can make itself felt in politics," he warned. Bryce observed that "the temptations to use the influence of a newspaper for the promotion of pecuniary interests, whether of its proprietors or others" had increased.[54] In his opinion, this was a "perversion" of the press, which should be before all else "the one great and indispensable medium for the diffusion of information and opinion on political topics."[55] He saw no alternative to having an independent press capable of engaging public opinion unfettered by outside interests, which could be political as well as commercial. Accordingly he advised that proper lines of demarcation be established between a newspaper's news and opinion and its business side, that editorials be "fair and above-board" in their advocacy, even when supporting a particular political party, and that readers understand that news as well as opinion can be distorted in a paper to serve special interests.

A second fundamental concern centered on abuses in the press that made it an untrustworthy, even an inflammatory, medium of news and opinion in both national and international affairs. As other press critics of the time, Bryce delineated many abuses in the realm of political journalism. The underlying concern in this case was: what could be done to reform the errant tendencies in the press? Most of the critics believed the reform impulse should come from within the institution, while allowing that the public could exert a pressure on the newspapers that would encourage an improvement of their journalistic standards.[56] Bryce reversed that formula. By explaining the abuses of reporting, presenting, and interpreting news in detail, he hoped to raise the public's perception of and ability to understand what they read in the papers. He placed much of the responsibility for press reform on the shoulders of the consumers of papers. Believing that a democracy demanded an informed public opinion, he urged people to be well informed about the media presenting news and opinion as well as about the information conveyed. In one of his several references to this need, he warned: "The Tree of Knowledge is the Tree of Knowledge of Evil as well as of Good. On the printed page Truth has no better chance than Falsehood, except with those who read widely and have the capacity of discernment."[57] Bryce contended that a sound public opinion was the bedrock of democracy and claimed it involved not only the press but also the people and education. Others had made that point, but no one made it better.

Accordingly, he believed that the faults of the press had to be publicized and explained, and he made a far greater effort to do that in Modern Democracies than in The American Commonwealth. The former represented his mature thought about the press shaped by his ambassadorial experience and by years of study. The faults he found in the American press are ongoing ones. Oswald Garrison Villard still referred to them in his The Disappearing Daily published in 1944 and twenty years later Curtis D. Mac Dougall found them serious enough to address at length in his widely read study The Press and Its Problems.[58] In our own time, the frequent questioning of the press's credibility, although outside sources may be responsible for it at times, make it clear that the faults Bryce underscored have yet to vanish. Inaccurate reporting and sensational journalism still exist. The trustworthiness of news persists as a question in the public's perception of the press, and newsmen are yet known to misinterpret and sometimes to hound public figures. The press can still mislead and even falsely arouse the public. One has only to recall the case of Janet Cooke, the Washington Post reporter who received a Pulitzer Prize in 1981 for a story that was later discovered to be a fabrication, to know that news fakes still occur.[59] Outside influences, especially capitalistic ones, remain capable of impairing the work of a free press.[60] Time has proven that Bryce was wise to concentrate on these problems, for they appear as inseparable baggage of the modern democratic press. But, it should be remembered that if he saw much of the flaw of the press he also perceived its achievement and potential.

IV.

To the end, Bryce's writing on the subject of the press and the public revealed much of his own convictions and cultural background. He never, for instance, lost his nineteenth-century liberal faith in the wisdom that lay in public opinion or in the ability and willingness of the public to become informed about current affairs. Like Walter Lippmann, who was beginning his body of commentary on the news media and the public as Bryce was completing Modern Democracies, he deplored the yellow press, snooping journalism, and inaccuracies of all types in reporting public information. Like Lippmann he doubted that truth would always prevail over falsity unless the facts were known, and like Lippmann he knew that news as well as opinion could be distorted and the public misled. Both men argued for a responsible press and believed they were engaged in a fight for truth. More than Lippmann, however, Bryce was emphatic in his belief in the existence of a national opinion and in a broad and generous American public opinion as a force apart from though influenced by the news.[61] Moreover, Bryce continued to extol the invaluable service the press performed in a modern free nation.

The last point leads one to conclude that Bryce accepted much of the content found in the then current Developmental School of press history. It will be recalled that in 1873 Frederic Hudson established this interpretation of the press as an institution characterized by its progressive and continuing evolution. In the following generation it became the most popular interpretation of American journalism history and has remained so to the present. It was promoted in most of the popular textbooks on the subject written during and after Bryce's time.[62] It exerted a strong influence on general writing about the press in the first decades of this century and became the ideological premise for many of the courses in journalism that were then expanding in the country's colleges and universities.[63] Writers employing this interpretation may address the defects and evils that appear in the press from time to time as departures from the institution's evolving practices and standards. That is not, however, their main concern. They stress the growth of its professionalism and its greater effectiveness as a news medium.

Bryce shared the enthusiasm for the institution found in the popular interpretation. He continued, for instance, to espouse his liberal faith in the potential of the press as an irreplaceable democratic institution. In doing so he resisted the disenchantment of many British liberals, dating from before World War I, with the popular press as a vehicle for the reform of society."[64] Nor did he accept the lead of many British press critics who tended to judge the American press only by its worst elements. Yet he differed from the developmentalists in important ways. Bryce had a clear perception of many fundamental flaws of the press and believed they deserved thorough consideration and popularization. In Modern Democracies he devoted equal attention to the press's defects as to its accomplishments. Rather than stress the professional development of the press, he emphasized its function as an instrument interacting with public opinion and the "recuperative" effects that were needed for it to be effective in that capacity. Rather than concentrate on the growth of the press as a news medium, he questioned its inclination to perform fairly in that capacity and the truth of the news it conveyed.[65]

This blend of liberal idealism and realism characterized his concluding reflections on the American press in Modern Democracies. It represents Bryce's most significant contribution to the body of press criticism that has grown since his time. He warns that although the promise of the press in a democracy is great, it is no greater than the soundness of the relationship between a free press and an informed public. Both have obligations to fulfill for that promise to be realized. If the press had need to re-establish its adherence to the traditional standards of Anglo-American quality journalism, even as they might be modified to accommodate a modern mass news medium, the people had the corresponding need to broaden the foundations of their discernment of public affairs in order to have the press they deserve.

Notes

1. James Bryce, *The American Commonwealth*, 2 vols. (London: Macmillan, 1888), 2: 233.

2. Edmund Ions, "James Bryce 1838-1922," in *Abroad in America: Visitors to the New Nation*, eds. Marc Pachter and Francis Wein (Reading, Mass.: Addison-Wesley Publishing Company, 1976), 217.

3. H. A. L. Fisher, *James Bryce*, 2 vols. (New York: Macmillan, 1927, 1: 222-42., and Edmund Ions, *James Bryce and American Democracy, 1870-1922* (London: Macmillan, 1968), 133-41. Robert W. Graves provided a synopsis of what Bryce said about the press in *The American Commonwealth* in his chapter, "American Public Opinion As Bryce Described It and As It Is Today," in Bryce's *American Commonwealth Fiftieth Anniversary*, ed. Robert C. Brooks (New York: Macmillan, 1939), 87-9. Laurence W. Mazzeno and Allen Lefcowitz mention the positive interpretation of the press Bryce offered in *The American Commonwealth* in contrast to Matthew Arnold's negative expressions about it in their chapter, "Arnold and Bryce: The Problem of American Democracy and Culture," in *Matthew Arnold in His Time and Ours: Contemporary Essays*, eds. Clinton Machann and Forrest D. Burt (Charlottesville: University Press of Virginia, 1988), 72.

4. Bryce, *American Commonwealth*, 2: 233-34.

5. Ibid., 234-35.

6. Ibid., 235-36.

7. Ibid., 236-37.

8. Frederic Hudson, *Journalism in the United States, from 1690-1872* (1873; reprinted., New York: Haskell House Publishers, 1968), XXVII. For an account of the criticism of Hudson's history at the time of its publication see, William J. Thorn, "Hudson's History of Journalism Criticized by His Contemporaries," *Journalism Quarterly* 57 (Spring 1980): 99-106; and for an example of how a view of the press contrary to Hudson's persisted into the 1880s, see, Augustus A. Levey, "The Newspaper and Its Effects," *The North American Review* 143 (September 1886): 808-12.

9. The term "Developmental School" is David Sloan's. See Wm. David Sloan, *American Journalism History: An Annotated Bibliography* (New York: Greenwood Press, 1989), 4-5.

Sloan contrasts this school with several others: the Nationalist School, the Romantic School, the Progressive School, the Consensus School, the Cultural School, and the Libertarian School.

10. Mazzeno and Lefcowitz, "Arnold and Bryce," 73. The point of Bryce's popularity, moreover, can be substantiated by contemporaneous foreign office correspondence. Writing from the British Embassy in Washington, for instance, Esme Howard told Sir Charles Hardinge, the permanent undersecretary of state for foreign affairs, that Bryce was "unquestionably the best known Englishman in the United States." 9 January 1907, Papers of Sir Edward Grey, F. O. 800, General Series, vol. 81, fol. 80. Public Record Office, London. Hereafter cited as Grey Papers. See also, Sir Charles Hardinge to Bryce, 3 July 1907, James Bryce Papers, U.S.A., vol. 27, fol. 101, Bodleian Library, Oxford. Hereafter cited as Bryce Papers, Bod. L. When referring to Bryce's papers at the Public Record Office, they will be cited as such.

11. His correspondences included, just to name a few: Charles F. Adams, Nicholas Murray Butler, Andrew Carnegie, J. F. Jameson, Henry Cabot Lodge, Theodore Roosevelt, and Seth Low.

12 . A search of Bryce's correspondence with his American friends, however, produced only occasional reference to the subject. A survey of his correspondence in the Theodore Roosevelt Papers and the Elihu Root Papers at the Library of Congress also failed to turn up evidence that the subject was emphasized in those letters, which are basically routine correspondence. The subject was more likely to have been explored in conversation than in either his formal or informal American correspondence, and in his English correspondence he did refer to having discussed it with his American friends and acquaintances.

13. Bryce to Sir Charles Hardinge, 2 August 1907, Grey Papers, vol. 81, fols. 224-27.

14. See, for instance, Bryce to Lord Albert Grey, 28 December 1907, Private Papers of Lord Bryce, 1904-1921, F. O. 800, vol. 331, fols. 184-85, Public Record Office, London; and Bryce to Sir Charles Hardinge, 28 November 1907, Grey Papers, vol. 81, fols. 291-94, and Bryce to Sir Charles Hardinge, 21 January 1908, ibid., fols. 315-16.

15. Bryce to A. V. Dicey, 16 February 1909, Bryce Papers, Bod. L., English Correspondence, vol. 4, fol. 7.

16. Beckles Willson, Friendly Relations: a Narrative of Britain's Ministers and Ambassadors to America 1791-1930 (Boston: Little, Brown, 1934), 300.

17. Bryce to Sir Edward Grey, 2 August 1907, Grey Papers, vol. 81, fols. 221-22. See also Bryce to Sir Edward Grey, 16 September 1907, Bryce Papers, Bod. L., vol. 27, fol. 130; and Willson, Friendly Relations, p. 300.

18. Bryce to Sir Edward Grey, 16 September 1907, Bryce Papers, Bod. L., vol. 27, fol. 130.

19. Bryce to Grey, 18 November 1908, Grey Papers, vol. 81, fols. 407-10.

20. Bryce to Sir Charles Hardinge, 2 August 1907, ibid., fols. 224-27.

21. Bryce to Sir Charles Hardinge, 21 January 1908, ibid., fols. 315-16.

22. James Bryce, "United States: Annual Report, 1907," F. O. 371, Political, vol. 566, file 16149, pp. 16 and 39, Public Record Office, London.

23. James Bryce, "United States: Annual Report, 1909," F. O. 371, Political, vol. 1022, no. 10003, p. 17, Public Record Office, London.

24. James Bryce, "United States: Annual Report, 1910," F. O. 881, Confidential Papers, no. 9857, p. 34, Public Record Office, London. See also Bryce's report for 1911, ibid., no. 10085, p. 24.

25. James Bryce, "United States: Annual Report, 1912," F. O. 881, Confidential Papers, no. 10256, p. 10, Public Record Office, London.

26. Bryce to Sir Edward Grey, 16 September 1907, Bryce Papers, Bod. L., vol. 27, fol. 130.

27. Typical of the press criticism articles during the years of Bryce's ambassadorship were: "Distorting the Nation's Conscience," The World To-Day, 17 December 1909, 1227-28; "International Hatred and the Press," The Nation, 26 March 1908, 276; "The Newspaper's Contempt for the Public," The World To-Day, 12 March 1907, 262-66; and "Offenses Against Good Journalism," the Outlook, 29 February 1909, 479.

28. See, for instance, "After Exposure What?" The Nation, 22 March 1906, 234; Ellery Sedgwick, "The Man with the Muck Rake," American Illustrated Magazine, 42 (May 1906): 111-12; and "President Roosevelt on Muck-Rakers," Harper's Weekly, 28 April 1906, 580.

29. Will Irwin, "The Power of the Press," Colliers, 21 January 1911, 15. The entire series appeared in fifteen parts of Colliers between January 14 and July 29, 1911.

30. For Irwin's treatment of this aspect of the subject in the series, see "The Advertising Influence," 27 May 1911, 15-16 and 23-25; "The Unhealthy Alliance," 3 June, 1911, 17-19, 28-31, and 34; "Our Kind of People," 17 June 1911, 17-18; and "The Foe From Within," 1 July 1911, 17-18 and 30, ibid.

31. James Melvin Lee, *History of American Journalism* (Boston: Houghton Mifflin Company, 1917), 388 and 429-48.

32. Bryce, "Annual Report," 1910, p. 34. In his private correspondence, Roosevelt employed sharp language to describe certain newspapers in the country, including the ones that Bryce used for his examples of journalism harmful to the public good. The President complained about the "lies" and "falsehoods" that appeared in such papers and about journalists who "engaged in the practice of mendacity for price." Like Bryce, he admitted there were some fine editors and good newspapers. But of the journalists who appeared disreputable in his judgment, he had this to say: "Whether they belong to the yellow press or to the purchased press, whatever may be the stimulating cause of their slanderous mendacity, and whatever the cloak it may wear, matters but little. In any event they represent one of the potent forces for evil in the community." Theodore Roosevelt to William Dudley Foulke, 1 December 1908, William Dudley Foulke Papers, Box 4, Library of Congress, Manuscript Division. Hereafter cited as Foulke Papers. See also, Roosevelt to Foulke, 24 October 1908, 30 October 1908,and 16 November 1908, ibid.

33. Bryce, "Annual Report, 1910, p. 34.

34. Bryce, "Annual Report, 1909," p. 17. The four other dangers he cited were 1) the power of great corporations, 2) the demands of organized labor, 3) the "selfish power of the machine," and 4) the weakness of the state judiciary.

35. Sir Mortimer Durand, "Report on the United States for 1906," F. O. 881, Confidential Papers, file 8834, p. 9, Public Record Office, London.

36. See, for example, an address by J. L. Garvin, "Journalism of Today," 1910, J. L. Garvin Papers, Humanities Research Center, The University of Texas at Austin, Works; and John St. Loe Strachey, "The Ethics of Journalism," *Education Review* (September 1908), 126.

37. "The New 'Times,'" the *Nation*, 11 January 1908, 521. This article can be attributed to the

editor, H. W. Massingham. Written in his style, it predates "The Harmsworth Breed," a signed series he wrote a few months later on the subject of popular journalism using similar arguments, as well as several items he wrote later in life.

38. Bryce, "Annual Report, 1910," p. 34.

39. Herbert J. Seligman, "Race War?" the New Republic, 13 August 1919, 48; and "The Week," ibid., 8 October 1919, 276.

40. Walter Lippmann and Charles Merz, "A Test of the News," the New Republic, supplement, 4 August 1920, 6, 18, 26, and 41-42.

41. Walter Lippmann and Allan Nevins, eds., A Modern Reader: Essays on Present-day Life and Culture (Boston: D. C. Heath, 1936), 3.

42. Bryce to Charles Eliot Norton, 16 September 1907, James Bryce, Viscount Bryce of Dechmont--American Correspondence 1871-1922, microfilm, The Johns Hopkins University, Baltimore, reel 6, fol. 142.

43. Bryce to Dr. Charles W. Eliot, 4 March 1921, quoted in Fisher, James Bryce, 2: 259.

44. James Bryce to William A. Dunning, 9 October 1919, James Bryce Correspondence, microfilm, Columbia University Special Collections, Rare Book and Manuscript Library, Columbia University Libraries, New York.

45. James Bryce, Modern Democracies, 2 vols. (London: Macmillan, 1921), 1: 107-14.

46. Aside from Will Irwin whose emphasis of this criticism has already been cited, Oswald Garrison Villard was known among journalists for his advocacy of this argument. For his views, see an address he delivered at the University of Kansas in 1914 that was later published as a pamphlet, Some Weaknesses of Modern Journalism (Lawrence, Kansas: University of Kansas News-Bulletin, 1914), 1-19. Hamilton Holt also addressed the subject in his Commercialism and Journalism (Boston: Houghton Mifflin Company, 1909), 64-77, and his book was widely used in journalism classes in ensuing years. For a later development of the theme of capitalist influence on the press, George Seldes' two caustic books Freedom of the Press (1935) and Lords of the Press (1938).

47. Bryce, Modern Democracies, 1: 107 and 111-12.

48. Ibid., 1: 113; 2: 127; 2: 127-8; 1: 118-19, and 2: 128. Regarding Bryce's point about how

impractical it would be for someone like Roosevelt to always be correcting false statements about himself in the press, it is interesting to note that Roosevelt himself was known to make that very point in his private remarks about newspapers. He told one of his friends that, although he occasionally made a public statement to correct a falsehood, he refused to do so regularly. If he did, he said there would be no time left for doing his work. Roosevelt to Foulke, 1 December 1908, Foulke Papers, Box 4.

49. Bryce, Modern Democracies, 2: 406.

50. Ibid., 1: 114-15.

51. Bryce believed that both the British and German press was deeply involved in the outbreak of war in 1914. "It made many of our people believe that Germany was working to attack us and made them believe like us, whereas both peoples taking them as a whole had no enmity whatever. . . ," he wrote to his American friend, N. M. Butler, October 1, 1914. Quoted in Keith Robbins, "Lord Bryce and the First World War," The Historical Journal 10 December 1985: 258. It might also be recalled that early in World War I, Bryce chaired a committee to report on the validity of alleged German outrages committed by German troops in the invaded territories. The resulting Bryce Report (1915) became one of the major propaganda documents of the war. Although the press had helped to spread the atrocity stories, the committee's commission was to examine the evidence the Government had collected. Report of the Committee on Alleged German Outrages (New York: Macmillan, 1915), 2. The report, consequently, was based on that evidence, which included depositions from refuges and from British and Belgium soldiers as well as diaries of killed or captured German soldiers. It did not include a reference to how the press used this evidence or to its own sources for atrocity stories. The role of a person of Bryce's stature in the inquiry is a puzzling one, but for reasonable interpretation of his involvement in the work of the committee, see Trevor Wilson, "Lord Bryce's Investigation into Alleged German Atrocities in Belgium, 1914-15," Journal of Contemporary History (July 1979): 381. Indeed, Bryce referred to developments in the art of propaganda along with the press as being among those things that make it difficult to determine true public opinion, but, aside from his references to partisan journalism, he did not develop the subject of the press and government propaganda in this work. Bryce, Modern

Democracies, 1: 175. See also, ibid., 2: 505 and 530.

52. Ibid., 2: 129; 1: 124; and 2: 611.

53. Ibid., 1: 104-05 and 109.

54. Ibid., 123.

55. Ibid., 109.

56. See, for example, Eric W. Allen, "The Social Value of a Code of Ethics for Journalists," The Annals of the American Academy of Political and Social Science 101 (May 1922): 170-71; Will Irwin, "The Voice of a Generation," Colliers, 29 July 1911, 23; Walter Lippmann, "Liberty and the News," Atlantic Monthly 124 (December 1919): 779-87; and Oswald Garrison Villard, Some Weaknesses of Modern Journalism, 19.

57. Modern Democracies, 1: 82.

58. Oswald Garrison Villard, The Disappearing Daily: Chapters in American Newspaper Evolution (1944; reprinted., Freeport, New York: Books For Libraries Press, 1969), 8-15; Curtis D. MacDoughall, The Press and Its Problems (Dubuque: Wm. C. Brown Company, 1964), chaps. 1, 2, 5, and 6.

59. Edwin Emery and Michael Emery, The Press and America: An Interpretive History of the Mass Media, 5th ed. (Englewood Cliffs, New Jersey: Prentice Hall, Inc., 1984), 625-26; and Michael Kronenwetter, Journalism Ethics (New York: Franklin Watts, 1988), 87-88. The Janet Cooke incident resulted in the return of the Pulitzer Prize.

60. Regarding business influence on the press, see ibid., 34-36, and Bruce M. Swain, Reporters Ethics (Ames: The Iowa State University Press, 1978), 43. After reviewing the main themes of twentieth-century press criticism, one authority on the subject concluded: "As an economic enterprise, the press has been criticized for permitting the profit motive priority over serving society's needs, for venality and timidity when faced with opposition from advertisers or powerful economic interests, for accepting false and misleading advertising. . . ." Lee Brown, The Reluctant Reformation: On Criticizing the Press in America (New York: David McKay Company, 1974), 49. That veteran press critic, George Seldes, also made business influence on the press a topic of ongoing importance in his critique of the press. See, Pamela A. Brown, "George Seldes and the Winter Soldier Brigade: The Press Criticism of In Fact,

1940-1950." American Journalism 6 (1989): 85-102.

61. At first Lippmann wrote along lines similar to those found in Modern Democracies. See, Walter Lippmann, "Liberty and the News," 779-87. Regarding his departure from Bryce's treatment of public opinion, see Walter Lippmann, Public Opinion (New York: Penguin Books, 1922), 21 and The Phantom Public (New York: The Macmillan Company, 1930), 66-70. In the former he questioned what he called the "traditional democratic view of public opinion," and in the latter he questioned the idea that public opinion was "in some deep way a messianic force" and argued that it was a force organized at times of crises. Bryce, to the contrary, referred to the "strength of public opinion as a ruling power" and claimed that it was the duty of a citizen to make it "known" even between elections. He maintained that in the United States even "rural folk" continuously discussed "current events" and that the country possessed a "real national opinion." See, Bryce, Modern Democracies, 2: 121-22.

62. See, James Melvin Lee, History of American Journalism (Boston: Houghton Mifflin Company, 1917); Willard G. Bleyer, Main Currents in the History of American Journalism (Boston: Houghton Mifflin Company, 1927); and Frank Luther Mott, American Journalism: A History of Newspapers in the United States Through 250 Years, 1690 to 1940 (New York: The Macmillan Company, 1941). The last in the line of these popular textbooks is Emery and Emery, The Press and America, which contains much to recommend it as a developmental treatment of the subject. However, because of its stress on ideological conflict and on the press as a vehicle of reform, it can be also considered an example of Progressive School of journalism historiography.

63. By the time Bryce wrote Modern Democracies, 131 universities offered journalism courses. See, Sloan, American Journalism History, 4.

64. Regarding the British liberals disparagement with the popular press, see Alan J. Lee, The Origins of the Popular Press 1855-1914 (London: Croom Helm, 1976), 213-33.

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MARIA W. STEWART: AN AFRICAN-AMERICAN WOMAN JOURNALIST WHO RAISED A FIERY VOICE IN THE ABOLITION MOVEMENT

PREPARED FOR SUBMISSON TO
AMERICAN JOURNALISM HISTORIANS ASSOCIATION

RODGER STREITMATTER
ASSOCIATE PROFESSOR
SCHOOL OF COMMUNICATION
THE AMERICAN UNIVERSITY
WASHINGTON, D.C.

MARIA W. STEWART: AN AFRICAN-AMERICAN WOMAN JOURNALIST WHO RAISED A FIERY VOICE IN THE ABOLITION MOVEMENT

This paper describes the life and work of Maria W. Stewart (1803-1879). Her essays were published in William Lloyd Garrison's The Liberator from 1831 to 1833.

Scholars previously have acknowledged that Stewart pioneered as the first American woman -- black or white -- to lecture in public, but this paper breaks new ground by focusing on Stewart as the country's first black woman to contribute to American journalism.

The paper is based largely on primary sources in the form of Stewart's original writings in the abolitionist press. It identifies and discusses major themes in Stewart's work. Her essays were consistently religious in tone. She argued for racial reform, demanding not only an end to slavery but also an end to the oppression of free blacks. Stewart believed that African Americans could achieve justice for their race only if they led moral lives; she also believed it was imperative for them to fight for their rights. Stewart exhorted African-American women to expand beyond their limited role because she believed it was the women who could best lead the struggle for black civil rights.

MARIA W. STEWART: AN AFRICAN-AMERICAN WOMAN JOURNALIST WHO RAISED A FIERY VOICE IN THE ABOLITION MOVEMENT

From 1831 when The Liberator was founded until its singular goal of ending slavery had been achieved, the militant newspaper was a powerful force in the Abolition Movement. The Boston weekly played a major role in the fight to end slavery in this country. When The Liberator ceased publication after the Thirteenth Amendment was ratified in 1865, The Nation magazine stated: "The Liberator did more than any one thing beside to create that power of moral conviction which was so indomitable an element in the later political campaigns." The individual most closely connected to The Liberator was William Lloyd Garrison, but other advocacy journalists also added their fiery words to the newspaper's relentless attack on the sins of slavery. One of the strongest of those voices -- though one that has been largely overlooked -- came from a black woman.(1)

Maria W. Stewart's words were published in The Liberator from 1831 to 1833, thereby making her the first American woman of African descent to write in a journalistic forum.(2) Garrison saw considerable merit in Stewart's work. He showcased her essays by creating a "Ladies' Department" -- complete with woodcut of a black woman in chains -- for them in The Liberator, as well as reprinting them as pamphlets. Stewart, a domestic with little formal education, relied on her knowledge of the Bible and the experiences of her own suffering to argue against the repression of members of both her race and her gender. Her voice was bold and passionate, fired by the unwavering conviction of religious fervor and the personal sorrows of an individual denied her human rights. Her words were eloquent. In one of her essays for The Liberator, she wrote:

> Methinks I heard a spiritual interrogation -- "Who shall go forward, and take off the reproach that is cast upon the people of color? Shall it be a woman?" And my heart made this reply -- "If it is thy will, be it even so, Lord Jesus!"

Opposition to a woman being so outspoken forced Stewart to leave Boston and to end her work for The Liberator after two years, but her brief journalistic career set a standard of strength and defiance that African-American women journalists have fought vigorously to sustain for a century and a half.(3)

This paper documents the details of Maria W. Stewart's life and discusses major themes threaded through her commentary that appeared in The Liberator. Stewart's work was consistently religious in tone. She argued for racial reform, demanding not only an end to slavery but also an end to the oppression of free blacks. Stewart believed that African Americans could achieve justice for their race only if they led moral lives; she also believed it was imperative for them to fight for their rights. Stewart exhorted African-American women to expand beyond their limited role because she believed it was the women who could best lead the struggle for black civil rights. Scholars of political discourse, evangelism and feminism have acknowledged that Stewart pioneered as the first American woman -- black or white -- to lecture in public, but this paper breaks new ground by focusing on Stewart as the country's first black woman to contribute to American journalism.(4)

EARLY YEARS

Maria Miller was born free in Hartford, Connecticut, in 1803. Orphaned at the age of 5, Maria was "bound out" as a domestic servant to the family of a clergyman. Her classroom education lasted only six weeks, but she studied the Bible and had some access to the literary world through the minister's personal library. She later wrote: "I was deprived of the advantages of education, though my soul thirsted for knowledge." At the age of 15, Maria left the clergyman's home and, for the next five years, worked as a domestic while attending Sabbath schools.(5)

When Miller was 23 years old, she married James W. Stewart, a 47-year-old independent businessman from Boston. He had served as a seaman on several ships during the War of 1812, later having been captured and held prisoner in England. When peace had returned, James W. Stewart had parlayed his shipping skills into his own business as a shipping master who outfitted whaling and fishing vessels. After their marriage in 1826, the Stewarts settled into Boston's African-American middle class.(6)

Their security was short lived. Three years after the marriage, James W. Stewart became severely ill with heart disease. He died in December 1829, leaving a 26-year-old widow. In keeping with a request in Stewart's will, she then added the middle initial "W" from his name to her own.(7)

Maria W. Stewart experienced the vulnerabilities of a young black woman of the early nineteenth century. As the widow of a successful businessman, she should have received her husband's substantial holdings. Instead, the white executors of her husband's estate conducted a series of legal maneuvers that ultimately denied Stewart her rightful inheritance, leaving her destitute and forcing her to become a domestic once more.(8)

Stewart sought comfort from God. In 1830 she underwent a religious conversion, becoming a born-again Christian. A year later, she publicly announced that she had consecrated her life to God's service. Specifically, she felt called to express herself through the written word, even though her association with literature had been limited almost exclusively to the Bible. So, throughout her journalistic career, Stewart framed her words in biblical discourse.(9)

Her initial written work was in the form of meditations upon the values of morality. Emboldened by reading William Lloyd Garrison's remarks on the power of female influence, Stewart took several of her essays to The Liberator office. Garrison later recalled his first meeting with her: "You were in the flush and promise of a ripening womanhood, with a graceful form and a pleasing countenance." Stewart asked Garrison only for criticism and advice, but the abolitionist editor was so pleased to discover eloquent prose written by an African-American woman that he published the essays in his newspaper. He also printed the essays in pamphlet form, promoting Stewart as "a respectable colored lady," and sold the tracts from his office. Stewart's words first appeared in The Liberator in March 1831, a year and a half before she made her first public lecture.(10)

RELIGIOUS ZEALOT

Stewart's spiritual fervor was central to all of her journalistic work, but it was particularly prominent in her earliest essays published in The Liberator. In those essays, she established why she was pursuing a career in journalism. Early in 1832, she wrote: "God has fired my soul with a holy zeal for his cause. It was God alone who inspired my heart to publish the meditations."(11)

Although Stewart talked of the love of Jesus Christ, she said that He did not always approve of the actions of humankind. She speculated that Christ would not sanction the behavior of many men and women who professed Christianity, writing:

> Were our blessed Lord and Saviour, Jesus Christ, upon the earth, I believe he would say of many that are called by his name, "O, ye hypocrites, ye generation of vipers, how can you escape the damnation of hell?"(12)

This quotation illustrates Stewart's reliance on the Bible as a literary source, as it clearly is a variation of Matthew 23:33: "Ye serpents, ye generation of vipers, how can ye escape the damnation of hell?" Many of her writings were peppered with such rephrasings or allusions based on biblical verses.

Stern and puritanical in her beliefs, Stewart was convinced that African Americans had, themselves, caused their decline among the races. She wrote:

> Poor despised Africa was once the resort of sages and legislators of other nations, was esteemed the school for learning, and the most illustrious men in Greece flocked thither for instruction. But it was our gross sins and abominations that provoked the Almighty to frown thus heavily upon us, and give our glory unto others. Sin and prodigality

have caused this downfall.(13)

Drawn to religion by the difficulties in her own life, Stewart adopted Christ as her savior and became an evangelist. Her missionary zeal was part of the evangelistic movement that flourished in Northern cities in the 1830s and 1840s. Because of increasingly repressive legislation and unjust behavior by whites, articulate free blacks preached the words and teachings of the Bible as their salvation.(14)

ABOLITIONIST

As Stewart's journalistic writing matured, she used the framework of spiritualism to discuss various secular issues. Primary among them was urging free blacks to fight for the abolition of slavery. She wrote: "African rights and liberty is a subject that ought to fire the breast of every free man of color in these United States, and excite in his bosom a lively, deep, decided, and heartfelt interest."(15)

On Stewart's part, she built her anti-slavery stance on the Bible, which she continued to rely upon both for her personal inspiration and as her literary source. Stewart compared the United States to ancient Babylon, observing that both civilizations were morally corrupt because they sanctioned the sale of the souls of human beings -- and that both civilizations were, therefore, doomed.(16)

Stewart was so fervent in her commitment to the abolition of slavery that she publicly stated, as did Garrison, that she was willing to sacrifice her life in order to spread the Gospel. She wrote: "I will willingly die for the cause that I have espoused;

for I cannot die in a more glorious cause." In her final essay published in The Liberator, she repeated her willingness to become a martyr for the Abolition Movement, writing: "Life has almost lost its charms for me; death has lost its sting, and the grave its terrors," this time borrowing language from First Corinthians 15:55.(17)

As Stewart became more confident as a journalist, her writing became increasingly caustic in tone. By April 1833, she was sarcastically referring to white men as "lords," telling her readers: "Cast your eyes about, look as far as you can see; all, all is owned by the lordly white."(18)

Stewart did not limit her racial reform efforts to the abolition of slavery but also campaigned for an end to oppressive treatment of free blacks. She wrote: "Tell us no more of Southern slavery; for with few exceptions, I consider our [free blacks'] condition but little better than that." Her own experiences had taught her that emancipation did not guarantee justice. Although she had been born free, she still had suffered at the hands of opportunistic whites. So Stewart knew that abolition was not a panacea for black Americans.(19)

Nor was Stewart willing to listen to the merits of the colonization movement, which worked to deport free blacks to Africa. By 1832, the American Colonization Society had been established and more than a dozen state legislatures had approved the society's efforts to ship African Americans to Liberia. Many blacks found the concept attractive, but Stewart steadfastly opposed the work of the colonizationists, writing: "Their hearts are so frozen toward us they had rather their money should be sunk in the ocean than to administer it to our relief." Stewart preferred to fight for increased rights rather than to escape from the hostile whites. Again dramatically expressing her willingness to become a martyr, she wrote: "They would drive us to a strange land. But before I go, the bayonet shall pierce me through."(20)

MORAL GUIDE

Stewart praised the work of white abolitionists who organized anti-slavery societies, but she believed that the impetus for racial reform had to rise from African Americans themselves. She wrote: "It is of no use for us to sit with our hands folded, hanging our heads like bulrushes, lamenting our wretched condition." Stewart advocated African Americans following a two-pronged strategy to achieve equality. First, she urged them to strengthen their own morality. This theme was clearly articulated in how she titled her first essay in The Liberator: "Religion And The Pure Principles Of Morality, The Sure Foundations On Which We Must Build."(21)

As a devout Christian, Stewart was convinced that the sinful behavior of her people had led to the downfall of the race and that, therefore, untainted moral behavior would allow African Americans to rise to their proper status once more. And, like her black sisters of the nineteenth century, she considered morality to be the province of the African-American woman. She accepted part of her responsibility as a woman journalist to be serving as a guiding moral voice for her people. In 1832 she wrote that if free blacks turned their attention more assiduously to moral worth: "Prejudice would gradually diminish, and the whites would be compelled to say: 'Unloose those fetters! Though black their skins as shades of night, their hearts are pure, their souls are white.'"(22)

The essays that Stewart published in The Liberator provide a list of the specific forms of moral behavior that she believed her people should adopt. First among them was frugality through the judicial use of financial resources. In her initial essay, Stewart urged readers to establish their own churches, schools and stores. Anticipating the response of her readers, she then stated the question she expected them to ask -- and answered it. She wrote: "Do you ask where is the money? We have spent more than enough for nonsense."(23)

In later essays, it became clear that one form of "nonsense," in Stewart's mind, was the purchase and consumption of alcohol. She urged free black men to form their own temperance societies, suggesting that nothing would raise the respectability of blacks more than their overcoming the evils of alcohol, a weakness that continued to plague whites.(24)

Two other objectionable forms of behavior, according to Stewart, were gambling and dancing. She wrote:

> Flee from the gambling board and the dance-hall; for we are poor, and have no money to throw away. It is astonishing to me that our fine young men are so blind to their own interest and the future welfare of their children as to spend their hard earnings for this frivolous amusement; for it has been carried on among us to such an unbecoming extent that it has become absolutely disgusting.(25)

On other occasions, Stewart scolded black women for lying and black men for not entering the ministry in larger numbers. She wrote: "O, how I long for the time to come when I shall behold our young men qualifying themselves to preach the everlasting gospel of Our Lord Jesus Christ -- becoming useful and active members in society, and the future hopes of our declining years."(26)

MILITANT REFORMER

The second prong of Stewart's strategy for her race achieving progress was through militance. Each of her essays contained a call to action. In 1832, Stewart wrote: "I am of a strong opinion that the day on which we unite, heart and soul, that day the hissing and reproach among the nations of the earth against us will cease. Let us make a mighty effort, and arise." Stewart was an advocate of political power, and she often spoke with a defiance that rarely emanated from an African-American woman of the early nineteenth century.(27)

Indeed, Stewart, who frequently expressed pride in being an American, thought that it was more than merely the right of African Americans to protest -- she considered it their patriotic duty. Only those Americans who demanded equal rights, she believed, were true Americans in the tradition of the patriots who had won independence from Britain four decades earlier. Stewart wrote:

> Did the pilgrims, when they first landed on these shores, quietly compose themselves, and say, "The Britons have all the money and the power, and we must continue their servants

> forever"? Did they sluggisly sigh and say, "Our lot is hard, the Indians own the soil, and we cannot cultivate it." No; they first made powerful efforts to raise themselves. My brethren, have you made a powerful effort?(28)

The militant attitude that Stewart espoused is intriguing because it contradicts the philosophy of most persons devoted to the teachings of the Bible. Not only did Stewart defy the peaceful and submissive stance of most devout Christians, but she also openly criticized African-American ministers, saying they had helped create the difficulties plaguing the race. If black ministers were properly discharging their duties, she wrote, they would acknowledge the existence of racism instead of ignoring it. She wrote: "They have kept the truth, as it were, hid from our eyes, and have cried, 'Peace, Peace!' when there was no peace."(29)

Stewart, by contrast, believed that God had called her not only to tell her readers about the racism that divided the country but also to chide those readers into mustering the courage to demand their rights. She wrote: "O ye sons of Africa, when will your voices be heard in our legislative halls, in defiance of your enemies, contending for equal rights and liberty?"(30)

Stewart also specified precise ways in which African Americans could empower themselves. In the 1830s, whether or not slavery should be abolished in the nation's capital had become a volatile political issue between slave and free states. In her final essay in 1833, Stewart challenged her black readers to raise their voices: "Let every man of color throughout the United

States, who possesses the spirit and principles of a man, sign a petition to Congress to abolish slavery in the District of Columbia."(31)

In her final essay, the intrepid journalist also issued a powerful threat -- one that has continued to stalk this country since that time. Stewart wrote: "Many powerful sons and daughters of Africa will shortly arise, and declare that they will have their rights; and if refused, I am afraid they will spread horror and devastation."(32)

FEMINIST

Another theme emerging from Stewart's essays was feminism. Stewart established in her first essay for The Liberator that she intended to use her journalistic forum to promote expansion of the role that African-American women played in society. In that essay, Stewart boldly asked: "How long shall the fair daughters of Africa be compelled to bury their minds and talents beneath a load of iron pots and kettles?"(33)

The question was a rhetorical one, as Stewart immediately suggested two methods by which black women could improve their status. First, she advocated women casting aside the concept of dependence upon men. She impolored her African-American sisters: "Possess the spirit of independence. Possess the spirit of men, bold and enterprising, fearless and undaunted. Sue for your rights and privileges." Second, the pragmatic Stewart recognized the value of black women entering the influential world of commerce. So she suggested that they combat the economic barriers to establishing business enterprises by joining forces to operate businesses.(34)

Stewart anticipated that her ideas about black women expanding into new spheres would have the support neither of white women nor men of either race. But she thought the cause, like that of the abolition of slavery, was worthy of martyrdom. The defiant Stewart told African-American women: "You can but die if you make the attempt; and we shall certainly die if you do not."(35)

Like many African-American feminists, Stewart was ambivalent about the issue of whether the sisterhood crossed racial lines. In her earliest essays, she advocated an interracial feminism. When she heard about white women using the profits from a community garden to erect a church, for instance, she suggested black women follow their example and build a high school for black students. But at other times, particularly in her later essays, Stewart criticized white women. When she asked white women to hire black women to work for them, for example, she resented their refusal. Stewart's reaction was bitter: "Such is the powerful force of prejudice."(36)

As her journalistic career neared its end, Stewart came to believe that African-American women would have to rely on themselves to lead the race. She pleaded with them to accept the awesome responsibility before them, writing:

> O woman, woman! Your example is powerful, your influence great; it extends over your husbands and your children, and throughout the circle of your acquaintance. O woman, woman! Upon you I call; for upon your exertions almost entirely depends whether the rising generation shall be any thing more

than we have been or not.(37)

FINAL YEARS

Members of the African-American community condemned Stewart for uttering her defiant words. Detractors said it was presumptuous and audacious for a woman to speak so boldly. It was this hostility, Stewart said, that propelled her to leave Boston in 1833.(38)

Stewart then moved to New York City and furthered her education by joining an African-American women's literary society, writing unpublished compositions and presenting declamations. This led her into a career as a public school teacher. After several years of classroom teaching, Stewart was appointed assistant to the school principal for the Williamsburg section of Brooklyn in 1947.(39)

While living in New York, Stewart compiled her writing into a book. Although she included several essays originally published in The Liberator, the bulk of the eighty-four-page volume consisted of previously unpublished prayers and meditations. Productions of Mrs. Maria Stewart, which was published in Boston in 1835, also contained transcripts of the four public speeches she had delivered in Boston and several pages of autobiographical material.(40)

Stewart did not resume her journalism career after leaving Boston, but during the early 1850s she helped raise money for the benefit of the North Star, the newspaper that Frederick Douglass had founded in Rochester, New York.(41)

In 1852, Stewart lost her teaching position. The reason for her discharge is unclear, but the outspoken Stewart believed the reason was unfounded. Hearing that Southern people were more christian, Stewart moved to Baltimore and attempted to organize her own private school. That venture failed and Stewart became destitute. She then sought help from a man and woman who were influential members of Baltimore's black community. The couple offered to organize a benefit to raise the money for Stewart's rent, if she allowed them to promote the event by describing her difficult circumstances. The event was a success, raising $300 in profits. The couple then gave Stewart $30 to pay her rent -- and kept the rest for themselves. Stewart later wrote: "They laughed ready to kill themselves to think what a fool they had made of me."(42)

Another incident during Stewart's years in Baltimore was more positive. According to correspondence from Stewart's pastor, the daughter of one of Baltimore's most respectable African-American families had left home to work in a house of prostitution. The young woman's parents rejected her, but the fearless Stewart went to the house, confronted the madam of the house and retrieved the "child of sorrow." Eventually the woman returned to Baltimore and became an "honored member of society."(43)

In 1861, as the Civil War was beginning, Stewart moved to Washington, D.C., and taught in an African-American school. After the war, Stewart became director of housekeeping services at Freedmen's Hospital, which later became the Howard University Hospital. By 1871, Stewart had raised $200 to buy a building near Howard University for the school that, for twenty years, she had dreamed of founding. It was an Episcopal Sunday school for neighborhood children. She recruited faculty from the university to help her teach in the school, which charged tuition but also was open to indigent children.(44)

It was not until the final year of her life that Stewart recovered the financial security that had been stolen from her fifty years earlier. In 1879, she took advantage of new legislation that provided pensions for widows of soldiers and sailors who fought during the War of 1812. Stewart then began receiving a monthly pension of eight dollars. Still feeling called to serve God through the written word, she used the money to publish a second edition of her collected works. Meditations from the Pen of Mrs. Maria W. Stewart included a supporting letter from Garrison and an autobiographical account titled "Sufferings During the War."(45)

Stewart died at Freedmen's Hospital December 17, 1879, at the age of 76. Funeral services were held at St. Luke's Episcopal Church, where Stewart had been an active member, and she was buried in the city's Graceland Cemetery. After Stewart's death, a local African-American newspaper committed thirty inches of its front page to a description of her life and contributions.(46)

CONCLUSIONS

That Maria W. Stewart published her words in an American newspaper earns her a place in history. For it was this woman -- first orphaned and later widowed at an early age, a domestic inspired by a holy zeal -- who first demonstrated that a woman of African descent could contribute to American journalism. Despite the barriers of poverty, lack of education, racism and sexism, from 1831 to 1833 Stewart fulfilled her journalistic mission of raising her voice, doing so in the pages of The Liberator, a newspaper that played a pivotal role in the Abolition Movement. Of equal significance is the fact that she set the stage for generations of black women who have followed her. Stewart was a pioneer for journalists of her race and gender, establishing many of the themes that have recurred in the lives and works of later African-American women journalists.

Scholars of nineteenth century journalism traditionally have ignored the work of African-American women, concentrating their efforts on the male figures who dominated the mainstream media. The standard history of American journalism describes the career of only one black woman of the nineteenth century, summarizing Ida B. Wells-Barnett's life in eight lines.(47) Histories of the African-American press have done little better; the standard in the field confines its description of women of the nineteenth century to three pages.(48) Histories of women journalists have committed more space to African-American women, but they also have acknowledged the inadequacy of their research. In 1977, Maurine Beasley and Sheila Silver wrote in Women in Media: Documentary Source Book that a description of the contributions of minority women should be the subject of another book.(49)

Within the last year, papers prepared for academic conferences have begun to respond to this call. Because of this emerging research, scholars now have access to the details about the lives and published works of four nineteenth century African-American women who followed Stewart into the field of journalism. Delilah L. Beasley began writing for the Cleveland

Gazette, a black weekly, in 1883. Beasley's most substantive journalistic work was as a reporter and columnist for the Oakland Tribune, then the largest daily newspaper in Northern California, from 1915 to 1934.(50) Gertrude Bustill Mossell entered the field in the 1870s by writing essays for religious newspapers. Mossell edited the women's departments of the New York Freeman, New York Age and Indianapolis World from 1885 until the early 1890s, while also writing for two of Philadelphia's white dailies, the Inquirer and Press, and numerous magazines.(51) Josephine St. Pierre Ruffin began working as a journalist in 1890 when she founded Woman's Era, the first newspaper published by and for African-American women. Ruffin edited and published the national newspaper from 1890 to 1897 and also served as editor-in-chief of the Boston Courant, a black weekly, in 1891 and 1892.(52) Ida B. Wells-Barnett began writing for a weekly Baptist newspaper in 1885. She edited and became an owner of the Memphis Free Speech, a black weekly, in 1891 and wrote for and became an owner of the New York Age, another black weekly, beginning in 1892.(53)

Scholarship in this emerging area of research already indicates that many of the themes that defined Stewart's life and work were echoed by the experiences of these other journalists. Regarding personal lives, these women who followed Stewart into the field tended to do so during periods of their lives when they, like Stewart, were unencumbered by responsibilities to spouses or children. Beasley never married; Ruffin was a widow and her children were grown before she commenced her journalism career; Wells-Barnett completed her most important journalistic work before she married. Likewise, the journalism careers of the women who followed Stewart were trunkated. Stewart's two-year career in the field ended because of sexual discrimination from the black community. Mossell's journalism career ended when her husband recruited her to raise money to support the hospital he had founded; Wells-Barnett's four-year career as a full-time journalist ceased when she married; Ruffin's seven-year journalism career ended because of economic difficulties.

In addition, all of the major themes identified as defining Stewart's work were repeated in the work of these other African-American women journalists who entered the field later in the century. Stewart was inspired by an evangelical fervor. Beasley, a devout Roman Catholic, was driven by a journalistic mission to change white society's perception of black America; Mossell and Wells-Barnett both entered journalism by writing for religious publications. Stewart was an abolitionist. The other four women were activists who used their journalistic forums to advance racial reform. Stewart attempted to shape the morality of free blacks. Mossell was a voice of morality for blacks who were emancipated after the Civil War. Stewart advocated militancy. Wells-Barnett did as well. Stewart was a feminism. So were all four of the other women.

To suggest that Stewart was the precursor in the evolution of these themes is not to say that any of the topics has been exhaustively -- or even adequately -- explored. The history of African-American women journalists is an embryonic area of research. Gerda Lerner, a leading women's historian, has observed that any new subdiscipline must evolve through four stages.(54) The history of African-American women journalists is largely in the compensatory stage during which scholars are attempting to uncover the details about the lives and works of these journalists who have been omitted from the textbooks. Only after these details have been documented can historians begin the examination and rigorous analysis that are required before synthesizing the material and identifying the themes that broadly define the experiences of black women journalists. As scholars undertake this process, they may confirm that many of the themes were originated early in the nineteenth century by the first African-American woman to enter the field -- Maria W. Stewart.

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1 The Nation, "The Liberator Released," 4 January 1866, p. 7. For other appraisals of the impact of The Liberator, see Edwin Emery and Michael Emery, The Press and America: An Interpretive History of the Mass Media, 5th ed. (Englewood Cliffs, N.J.: Prentice-Hall, 1984), pp. 177-179; Jean Folkerts and Dwight Teeter, Voices of a Nation: A History of the Media in the United States (New York: MacMillan, 1989), p. 189; Oliver Johnson, William Lloyd Garrison and His Times, or Sketches of the Anti-Slavery Movement in America, and of the Man Who Was Its Founder and Moral Leader (Boston: B.B. Russell, 1880), p. 54.

2 Some sources identify Sarah Gibson Jones as the first African-American woman journalist. According to these sources, Jones began working for the Cincinnati Colored Citizen in 1863 -- thirty years after Stewart's essays appeared in The Liberator. See, Monroe A. Majors, Noted Negro Women (Chicago: Donohue and Hennebery, 1893), p. 139; J. William Snorgrass, "Pioneer Black Women Journalists from the 1850s to the 1950s," Western Journal of Black Studies, vol. 6, no. 3 (Fall 1982), p. 152.

3 Maria W. Stewart, "Lecture Delivered At The Franklin Hall," The Liberator, 17 November 1832, p. 183. Maria W. Stewart's words first appeared in The Liberator 19 March 1831, in the form of a poem, "The Negro's Complaint," p. 46. The rest of her work for The Liberator was in the form of essays, the last of which appeared 4 May 1833. The dates, titles and pages on which those essays appeared are: 7 January 1832, "Mrs. Steward's (sic) Essays," p. 2; 28 April 1832, "An Address Delivered Before The Afric-American Female Intelligence Society of Boston," p. 66; 14 July 1832, "Cause For Encouragement," p. 110; 17 November 1832, "Lecture Delivered At The Franklin Hall," p. 183; 27 April 1833, "An Address, Delivered at the African Masonic Hall in Boston," p. 68; 4 May 1833, "An Address, Delivered at the African Masonic Hall in Boston," p. 72.

4 Among the scholars who have acknowledged Stewart as a pioneer public speaker and abolitionist are William L. Andrews, ed., Sisters of the Spirit: Three Black Women's Autobiographies of the Nineteenth Century, (Bloomington: Indiana University Press, 1986), p. 22; Eleanor Flexner, Century of Struggle: The Woman's Rights Movement in the United States (Cambridge, Mass.: Harvard University Press, 1959), pp. 44-45, 343; Paula Giddings, When and Where I Enter: The Impact of Black Women on Race and Sex in America (New York: William Morrow, 1984), p. 50; Sue E. Houchins, "Introduction," in Henry Louis Gates Jr., ed., Spiritual Narratives (New York: Oxford University Press, 1988, pp. xxix-xliv; Gerda Lerner, Black Women in White America: A Documentary History (New York: Vintage Books, 1973), pp. 83-85; Bert James Loewenberg and Ruth Bogin, eds. Black Women in Nineteenth-Century American Life: Their Words, Their Thoughts, Their Feelings (University Park: Pennsylvania State University Press, 1976), pp. 183-200; Lillian O'Connor, Pioneer Women Orators: Rhetoric in the Ante-Bellum Reform Movement (New York:

Columbia University Press, 1954), pp. 53-55, 142; Dorothy Porter, Early Negro Writing 1760-1873 (Boston: Beacon Press, 1971), pp. 129-140, 460-471; Benjamin Quarles, Black Abolitionists (New York: Oxford University Press, 1969), pp. 7, 50, 192.; Marilyn Richardson, ed., Maria W. Stewart: America's First Black Woman Political Writer (Bloomington: Indiana University Press, 1987), p. 3; Dorothy Sterling, ed., We Are Your Sisters: Black Women in the Nineteenth Century (New York: W.W. Norton, 1984), pp. 153-159; Jean Fagan Yellin, Women & Sisters: The Antislavery Feminists in American Culture (New Haven, Conn.: Yale University Press, 1989), pp. 46-48. The first white American women to speak in public were Sarah and Angelina Grimke, who undertook a New England lecture tour as agents of the American Anti-Slavery Society in 1837.

5 Stewart provided details about her personal life in her two books, Productions of Mrs. Maria Stewart (Boston: Friends of Freedom and Virtue, 1835), pp. 3-4, 24; Meditations from the Pen of Mrs. Maria W. Stewart (Washington, D.C.: 1879), pp. iii, iv, 13-23. This quote is from Productions, p. 3. Another source of information about Stewart's personal life is an obituary, "The Late Mrs. Maria W. Stewart," People's Advocate, 28 February 1880, p. 1. People's Advocate was a black newspaper published in Alexandria, Va. Secondary sources that summarize Stewart's personal life, based on details in her books, include Flexner, p. 343; Giddings, pp. 50, 53; Edward T. James, Notable American Women, vol. III, (Cambridge, Mass.: Harvard University Press, 1971), pp. 377-378; Lerner, p. 83; Loewenberg and Bogin, pp. 183-185; O'Connor, pp. 53-55; Richardson, p. 3; Sterling, pp. 153-159; Yellin, p. 46.

6 The couple's marriage certificate is at the Registry of Marriages in Boston. It reads: "James W. Stewart & Maria Miller, (people of color) married by the Rev. Thomas Paul, 10 August 1826."

7 James W. Stewart died 16 December 1829. A copy of his death certificate is part of the pension claim that Maria W. Stewart filed in 1879. See Service Pension, War of 1812, Widow's Brief No. 35165, Service Pension, National Archives, Washington, D.C. That claim form states: "Claimant states that ever since her husband's death she has written her name with 'W' for a middle initial -- that it was so written in her husbands (sic) will."

8 See James, p. 377; Lerner, p. 83; Richardson, p. 7; Sterling, p. 153.

9 Stewart, Productions, p. 4. See also Loewenberg and Bogin, p. 183.

10 William Lloyd Garrison letter to Maria W. Stewart, 4 April 1879, in Stewart, Meditations, p. 6; James, p. 377; The Liberator, "For sale at this office," 8 October 1831, p. 163. Stewart's documented public lectures in Boston were to the New England Anti-Slavery Society, 21 September 1832, at Franklin

Hall; to the general public, 27 February 1833, at the African Masonic Hall; and to the African-American community, 21 September 1833, at Belknap Street School. Her first documented speech, delivered to the Afric-American Female Intelligence Society of Boston in the spring of 1832, has not been considered as historically significant as the others because it was to strictly a female audience.

11 Stewart, "An Address Delivered Before The Afric-American Female Intelligence Society of Boston," The Liberator, 28 April 1832, p. 66.

12 Ibid.

13 Stewart, "An Address, Delivered at the African Masonic Hall in Boston," The Liberator, 27 April 1833, p. 68.

14 For more on Stewart as part of the evangelistic movement of the 1830s, see Andrews, p. 22; Houchins, pp. xxix-xliv.

15 Stewart, "An Address, Delivered at the African Masonic Hall in Boston," The Liberator, 4 May 1833, p. 72.

16 Ibid.

17 Stewart, "An Address Delivered Before The Afric-American Female Intelligence Society of Boston," The Liberator, 28 April 1832, p. 66.; Stewart, "An Address, Delivered at the African Masonic Hall in Boston," The Liberator, 4 May 1833, p. 72.

18 Stewart, "An Address, Delivered at the African Masonic Hall in Boston," The Liberator, 27 April 1833, p. 68.

19 Stewart, "Lecture Delivered At The Franklin Hall," The Liberator, 17 November 1832, p. 183.

20 Stewart, "An Address, Delivered at the African Masonic Hall in Boston," The Liberator, 4 May 1833, p. 72; Stewart, "An Address, Delivered at the African Masonic Hall in Boston," The Liberator, 4 May 1833, p. 72. For more on the Colonization Movement, see John Hope Franklin and Alfred A. Moss Jr., From Slavery to Freedom: A History of Negro Americans (New York: Knopf, 1947), pp. 154-157.

21 Stewart, "An Address, Delivered at the African Masonic Hall in Boston," The Liberator, 4 May 1833, p. 72; Stewart, "Mrs. Steward's (sic) Essays," The Liberator, 7 January 1832, p. 2; Garrison published only about one fifth of Stewart's first essay in The Liberator; he published the entire essay -- under the full title -- in pamphlet form.

22 For discussion of nineteenth century African-American women journalists seeing themselves as the moral leaders of the race, see Giddings, pp. 99-101. Stewart, "Lecture Delivered At The Franklin Hall," The Liberator, 17 November 1832, p. 183.

23 Stewart, "Mrs. Steward's (sic) Essays," The Liberator, 7 January 1832, p. 2.

24 Stewart, "An Address, Delivered at the African Masonic Hall in Boston," The Liberator, 4 May 1833, p. 72.

25 Ibid.

26 Stewart, "Cause For Encouragement," The Liberator, 14 July 1832, p. 110.

27 Stewart, "Mrs. Steward's (sic) Essays," The Liberator, 7 January 1832, p. 2.

28 Stewart, "Lecture Delivered At The Franklin Hall," The Liberator, 17 November 1832, p. 183.

29 Stewart, "An Address Delivered Before The Afric-American Female Intelligence Society of Boston," The Liberator, 28 April 1832, p. 66.

30 Stewart, "An Address, Delivered at the African Masonic Hall in Boston," The Liberator, 27 April 1833, p. 68.

31 Stewart, "An Address, Delivered at the African Masonic Hall in Boston," The Liberator, 4 May 1833, p. 72. For more on the movement to abolish slavery in the District of Columbia, see William H. Williams, The Negro in the District of Columbia during Reconstruction (Howard University Studies in History, no. 5: Washington, D.C., June 1924), pp. 1-6.

32 Stewart, "An Address, Delivered at the African Masonic Hall in Boston," The Liberator, 4 May 1833, p. 72.

33 Stewart, "Mrs. Steward's (sic) Essays," The Liberator, 7 January 1832, p. 2.

34 Ibid.

35 Ibid.

36 Ibid.; Stewart, "Lecture Delivered At The Franklin Hall," The Liberator, 17 November 1832, p. 183.

37 Stewart, "An Address Delivered Before The Afric-American Female Intelligence Society of Boston," The Liberator, 28 April 1832, p. 66.

38 Stewart, Meditations, p. 79. William C. Nell, a colleague of Garrison's also recalled that Stewart received "opposition even from her Boston circle of friends"; see "Letter from William C. Nell," The Liberator, 5 March 1852, p. 39. See also Flexner, pp. 44-45; Giddings, p. 53; James, p. 378; Loewenberg and Bogin, p. 184; O'Connor, p. 55; Sterling, p. 159.

39 Robert J. Swan, "A Synoptic History of Black Public Schools in Brooklyn," in Charlene Claye Van Derzee, The Black Contribution to the Development of Brooklyn (Brooklyn: New Music Community Museum of Brooklyn, 1977), p. 64. See also Giddings, p. 83; James, p. 378; Loewenberg and Bogin, pp. 184-185; Sterling, pp. 158-159.

40 The entire text of the book has been reprinted as part of the Schomburg Library of Nineteenth-Century Black Women Writers series. See Gates, Spiritual Narratives.

41 Stewart was listed as a member of a committee organized to plan a fair for the benefit of the North Star, which Frederick Douglass had founded in 1847. See North Star, "Committee of Arrangements," 12 April 1850, p. 4.

42 Stewart, Meditations, pp. 13-14.

43 People's Advocate, "The Late Mrs. Maria W. Stewart," 28 February 1880, p. 1.

44 Giddings, p. 53; James, p. 378; Lerner, pp. 83-84; Richardson, p. xvi; Yellin, p. 190.

45 Stewart, Meditations. See also James, p. 378; Loewenberg and Bogin, p. 185; Sterling, p. 159.

46 Boyd's Directory of the District of Columbia (1877), p. 713; burial records from St. Luke's Church, Washington, D.C.; James, p. 378; People's Advocate, "The Late Mrs. Maria Stewart," 28 February 1880, p. 1; Richardson, p. 85.

47 Emery and Emery, p. 228. Emery and Emery mentions the names of two other women, Gertrude Bustill Mossell and Lillian Alberta Lewis, but devotes no more than one line to either of them, pp. 181. The other major history of the American mass media, Folkerts and Teeter, mentions no black women journalists whatsoever, although it generally is sensitive to the contributions of women and minorities.

48 Roland E. Wolseley, The Black Press, U.S.A., 2nd ed. (Ames: Iowa State University Press, 1990), pp. 40-42. Wolseley describes Wells-Barnett and Victoria Earle Mathews. Two other histories of the black press that contain biographies of African-American women journalists are I. Garland Penn, The Afro-American Press and Its Editors (Springfield, Mass.: Willey, 1891), pp. 366-427, and Martin E. Dann, The Black Press 1827-1890: The Quest for National Identity (New York: Putnam, 1971), pp. 61-67.

49 Maurine Beasley and Sheila Silver, Women in Media: Documentary Source Book (Washington, D.C.: Women's Institute for Freedom of the Press, 1977), p. viii. Beasley and Silver devoted six pages to African-American women journalists of the nineteenth century,

pp. 38-44. Other calls for more research on the history of black women journalists have included Kay Mills, A Place in the News: From the Women's Pages to the Front Page (New York: Dodd, Mead, 1988), p. 176; Jane Rhodes, "Strategies on Studying Women of Color in Mass Communication," in Women in Mass Communication: Challenging Gender Values, Pamela J. Creedon, ed., (Newbury Park, Calif.: SAGE Publications, 1989), pp. 112-116. The first history of women journalists, Ishbel Ross, Ladies of the Press (New York: Harper, 1936), mentioned no African Americans. The next, Marion Marzolf, Up From the Footnote: A History of Women Journalists (New York: Hastings House, 1977), devoted two pages to black women of the nineteenth century, pp. 25-26. Marzolf discussed Wells-Barnett, Mossell and Lewis. Other sources of biographical information about African-American women journalists of the nineteenth century are Gertrude Bustill Mossell, "Our Women in Journalism," in The Work of the Afro-American Woman (New York: Oxford University Press, 1988, originally published in 1894), pp. 98-103; Lucy Wilmot Smith, "Woman's Number," The Journalist, vol. VII, 26 January 1889, pp. 4-6; Snorgrass, p. 158.

50 Beasley's journalism career is described in the author's paper, "Delilah L. Beasley: A Nineteenth Century African-American Woman Journalist Who Lifted as She Climbed," presented to the American Journalism Historians Association, in Philadelphia, 3-5 October 1991.

51 Mossell's journalism career is described in the author's paper, "Gertrude Bustill Mossell: A Nineteenth Century African-American Woman Journalist and Guiding Voice for Newly Freed Blacks," submitted to the Commission on the Status of Women of the Association for Education in Journalism and Mass Communication for presentation at the annual convention in Montreal 5-8 August 1992.

52 Ruffin's journalism career is described in the author's paper, "Josephine St. Pierre Ruffin: A Nineteenth Century African-American Woman Journalist of the Elite Class," submitted to the History Division of the Association for Education in Journalism and Mass Communication for presentation at the annual convention in Montreal 5-8 August 1992.

53 The best source of information about Wells-Barnett is Crusade for Justice: The Autobiography of Ida B. Wells (Chicago: University of Chicago Press, 1970), edited by her daughter, Alfreda M. Duster. Other sources on Wells-Barnett include T. Thomas Fortune, "Ida B. Wells," in Lawson A. Scruggs, ed., Women of Distinction: Remarkable in Works and Invincible in Character (Raleigh: L.A. Scruggs, 1893), pp. 38-39; Paula Giddings, When and Where I Enter: The Impact of Black Women on Race and Sex in America (New York: William Morrow, 1984), pp. 17-31; Mildred I. Thomspon, Ida B. Wells-Barnett: An Exploratory Study of an American Black Woman, 1893-1930 (Brooklyn, N.Y.: Carlson, 1990).

54 Gerda Lerner, The Majority Finds Its Past: Placing Women in History (New York: Oxford University Press, 1979), pp. 145-159. See also Catherine L. Covert, "Journalism History and Women's Experience: A Problem in Conceptual Change," Journalism History, vol. 8, no. 1 (Spring 1981), p. 3; Catherine C. Mitchell, "The Place of Biography in the History of News Women," American Journalism, vol. 7, no. 1 (Winter 1990), p. 27.

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A SILENCE IN MASSACHUSETTS:

JOHN CAMPBELL AND THE BOSTON *NEWS-LETTER*

by Wm. David Sloan
Department of Journalism
University of Alabama
Tuscaloosa, AL 35487

Presented to the American Journalism Historians Association,
1992 national convention; Lawrence, Kansas

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JOHN CAMPBELL AND THE BOSTON *NEWS-LETTER*

by Wm. David Sloan
University of Alabama

As Governor Joseph Dudley rode in his carriage on a narrow road on the outskirts of Boston, he encountered a cart laden with wood and driven by two young farmers. Dudley's son waved them to the side and ordered them to let the carriage pass. The farmers were as good men as the governor, they yelled back, and refused to move aside. Incensed, Governor Dudley jumped from the carriage, drew his sword, and lunged at the farmers. Not an accomplished swordsman, he was easily disarmed by one of them, who snatched the sword and broke it in half. Dudley screamed insults, grabbed a whip, and lashed at one of the farmers. Still in a tirade, he had them both arrested, charged them with treason, and threatened to send them to England for trial. Eventually, a sympathetic judge released them on bond, and the Massachusetts court refused to prosecute them.[1]

The episode became the talk of Boston, especially after a pamphlet provided a detailed account. It added one more reason for most of the local residents to despise Dudley. If any of them wished to find any details of the encounter in Boston's lone newspaper, however, they were disappointed. The *News-Letter*, published by the postmaster John Campbell, printed not a single word. Indeed, in its silence on this and other unfavorable affairs involving Dudley may be found the central feature of Campbell and the *News-Letter*—a silence made notable because the *News-Letter* holds the distinction of having been America's first continuously published newspaper.

What were the motivations behind Campbell's decision to publish a newspaper? Why did he produce a newspaper of the nature of the *News-Letter*? What was his philosophy about the role of the newspaper and about his own duties? Considering the fact that the *News-Letter* holds the historical distinction that it does, surprisingly little historical effort has been devoted to answering such key questions.[2]

Throughout the history of colonial Massachusetts, religion played a key, perhaps even the central role. It influenced social and political relations, and it provided the basis for much of the dynamic tension between government, the governed, and the press. The environment that the tension created exerted strong pressure on the nature of the *News-Letter* and Campbell. Campbell himself, however, was also one of the key ingredients. He was devoted to what he conceived as his *duty* to publish the newspaper. Had it not been for that sense of duty, the paltry financial support and other difficulties that he faced might very easily have resulted in the paper's early discontinuation.

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[1] *The Diary of Samuel Sewall, 1674-1729*, M. Halsey Thomas, ed. (New York: Farrar, Straus and Giroux, 1973), December 7, 1705, and subsequent entries detail the legal proceedings.

[2] Most of the work that has been done on Campbell and the *News-Letter* appears in biographical encyclopedia and as biographical entries in surveys of printing. The best researched and fullest study is Elsie Hebert's "John Campbell," in *Dictionary of Literary Biography: American Newspaper Journalists 1690-1872* (Detroit: Gale Research Co., 1985), 91-97. Hebert, however, misconstrues several key points, thus resulting in errant explanations of vital features of the accounts of both Campbell and his newspaper. She emphasizes the suppressive nature of government authority rather than Campbell's support of the authorities, she equates Cotton Mather and other Puritan leaders with the authorities when in fact they opposed them, she assumes that the Puritans as the authorities were suppressive of printing, and she assumes that Campbell was a Puritan when in fact he was a member of the opposition Anglican church. Generally, her study is written from a perspective that uses present-day views about journalism, press freedom, the press-vs.-government relationship, and other related concepts to attempt to come to an understanding of newspaper printing in the early 1700s. Colonial "journalism," however, did not operate on the principles essential to journalism today.

The religious environment in Massachusetts in 1704, the year of the founding of the *News-Letter*, was the result primarily of the influence of Puritanism; but the entrance of Anglicanism and its ties to the British crown, and, consequently, to government authority, made the situation volatile. Puritans in Massachusetts successfully had resisted the intrusions of Anglicanism throughout most of the seventeenth century owing largely to popular opposition and to the talents of the Puritan clergy. Massachusetts, and particularly the town of Boston, remained safe from Anglican threats until the colony was made a royal province and on May 16, 1686, a ship brought Dudley to be interim governor of Massachusetts, New Hampshire, and Maine. Arriving on the same passage was the Rev. Robert Ratcliffe to conduct Episcopal services in Boston — the equivalent, Puritans believed, of worshipping Baal. Expressing the Puritans' common abhorrence of Anglicanism, the cleric Cotton Mather wrote in his diary in November of that year: "The Common-Prayer-Worship [is] being sett up in this Country. I would procure and assist the Publication of a Discourse written by my Father, that shall enlighten the *rising Generation*, in the *Unlawfulness* of that Worship, and antidote them against Apostasy from the Principles of our First Settlement."[3] The Puritan leaders refused the Anglican churchmen's request that one of the local church buildings be made available for Anglican services, but the issue was soon forced with the arrival of Sir Edmund Andros, Dudley's successor, as royal governor of New England.

Andros brought with him a communication from the king that "[w]e do here will and require and command that...all persons...especially [those] as shall be conformable to the rites of the Church of England be particularly countenanced and encouraged."[4] The new governor immediately demanded that Anglicans be allowed the use of the Old South Church building, but the Puritan ministers would agree only to permit the use of the Town House. Andros would not willingly submit to this affront to his faith, and in March, on Good Friday, of the following year commanded that the South Church be opened. On Easter Sunday, the Anglicans took the building for their service and did not vacate it for the church's Puritan congregation until after 2 p.m.[5] Finally, the two sides reached an understanding by which the Puritans offered one of their churches for use of Anglican services on Sunday afternoons.

Shortly thereafter, the Anglicans began construction of their own building, King's Chapel, "the Church of England as by law established." Inspired by that success, Edmund Randolph, one of the royal commissioners and a devout Anglican, proposed to King James that the costs of supporting the church and its minister be paid by the Puritan congregations.[6] That attitude—as if being allowed to exist conferred on Anglicans special status—was one, however, that the Puritans unremittingly opposed.[7]

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[3] November 11, 1686, *Diary of Cotton Mather, 1681-1708* (Boston: Massachusetts Historical Society Collections, 1911), ser. 7 vv. 7-8.

[4] *Massachusetts Historical Collections* III: 7 and 148.

[5] The diarist Sewall recorded, "'Twas a sad sight to see how full the street was with people gazing and moving to and fro, because they had not entrance into the house." (March 29, 1687, *Diary of Samuel Sewall*, 136.)

With the founding of King's Chapel, its members at once became energetic in the attempts to establish Anglicanism in Massachusetts. Their view was that the colonies were possessions of Britain and were therefore subject to that government in all matters civil and religious. Since the Church of England was the official church of the Britain, it therefore automatically was the established church in Britain's colonies. They were at the forefront of efforts to tie church matters to political ones and thus gain success. Following the Puritans' overthrow of the Andros government in 1689, one of the Anglicans' goals was to get a governor appointed who was an adherent of the Church of England and therefore would assist in the establishment efforts of the church. As one of the first official acts of King's Chapel, its minister, the Rev. Samuel Myles, and wardens petitioned the crown, who "has bin graciously pleased to have particular regard to the religion of the Church of England," to appoint a new colonial governor and council so that the Church might "grow up and flourish, and bring fruites of religion and loyalty, to the honour of Almighty God, and the promotion and increase of Your Majesty...."[8] Their hopes were satisfied with the appointment of Dudley, the Puritans' old nemesis, as governor in 1702.

It was under him that Boston acquired its first continuing newspaper, published by the Anglican John Campbell. He began the paper, the Boston *News-Letter*, without any conception of its being a true newspaper or of exercising any publishing independence. Publishing a quasi-official report in the form of a newspaper was, he believed, one of the responsibilities required by his position as postmaster. He thus looked on himself not as an energetic editor but as an official conduit of information and on the newspaper as a formal, chronological record of news items. Tied so plainly to the unpopular Dudley administration, he never gained the confidence of the populace, and he found that his life as a publisher was an ongoing, tiresome struggle for mere existence.

Joseph Dudley, the son of Thomas, one of the most respected of the first generation of Massachusetts settlers, had been suspect ever since his mission as colonial agent to England in 1682.[9] Having placed his own interests above those of the colonists, he returned to tell them that they must submit to the monarchy. In 1685 James II named him president of New England in the interim before Andros assumed the position. Under Andros, he served as chief justice of the superior court and acted as overseer of the press. Along with Andros he was imprisoned by Bostonians during the 1689 rebellion. Appointed governor of Massachusetts in

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[6] "I humbly represent to your Grace," he wrote, "that the three meeting houses [Puritan churches] in Boston might pay twenty shillings a week a piece, out of their contributions, towards defraying our Church charges." (Hutchinson, *Collections*, 549, quoted in Sanford H. Cobb, *The Rise of Religious Liberty in America: A History* [New York: Macmillan, 1902], 231.)

[7] In Randolph's earlier proposal to the Puritans themselves, they had rebuffed him. "They tell us," he explained to the king, "those that hire him [the Anglican minister] must maintain him, as they maintain their own minister, by contributions." Hutchinson, *Collections*, 549, ibid.

[8] "The humble Address of Your Majesty's most loyal and dutiful Subjects of the Church of England in Boston...," quoted in Henry Wilder Foote, *Annals of King's Chapel*, 2 vols. (Boston: Little, Brown, and Company, 1896), I: 102.

[9] The fullest study of Dudley is Everett Kimball's sympathetic *The Public Life of Joseph Dudley* (New York: Longmans, Green, 1911).

1702, he adhered uncompromisingly to a doctrine of submission to royal and, having converted to the Anglican church, episcopal authority. His duty of enforcing unpopular British laws combined with the enmities created during his first administration of make him the most disliked man in Massachusetts. He was, Cotton Mather declared, a "wretch."[10] Mather told Dudley forthrightly that the cause of his malfeasance was his "unhallowed hunger of riches," which caused him to "make his government more an engine to enrich himself than to befriend his country" and "to do many wrong, base, dishonorable things."[11]

Campbell had emigrated from Scotland to the colonies in the 1690s, become acquainted with some of Boston's most prominent figures, joined King's Chapel, and been appointed a constable in 1699.[12] In 1702, upon the death of his brother, Duncan Campbell, he was named to replace him as Massachusetts' postmaster.[13] The postal system had been set up in 1692 under a royal grant that gave it a monopoly on "any letters or Pacquets which shall be brought into...or shipped from" any colony from Virginia northward.[14] That monopoly, along with the franking privilege that each colonial postmaster enjoyed, made the position of postmaster ideal for obtaining information and for mailing letters and printed material.

As part of his job, Campbell had the official task of writing letters of important information to the main office.[15] As postmaster in an important commercial center and seaport town, he was in a position to obtain news conveniently from incoming letters, newspapers, and ship crews. He circulated his handwritten "public news-letters" to postal officials, merchants, and other affluent colonists. The reports were chiefly about commerce, shipping, and governmental activities. Many subscribers shared them with non-subscribers, and some letters ended up posted in taverns and other public places for anyone who wished to learn about the news.

With an increasing number of clients, Campbell found that producing the letters by hand required too much time. The increased numbers also convinced him that a sizable potential market of readers probably existed for the letters. So he decided to begin printing the letters and making them available for purchase by the general public. Producing a public news letter would require, he calculated, little more work than he already was doing. His franking privilege would help keep costs down. Furthermore, he expected that a newspaper could attract income through advertising. He worked out an arrangement with Nicholas

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[10] *Diary of Cotton Mather*, June 16, 1702.

[11] Mather to Gov. Joseph Dudley, January 20, 1708, Kenneth Silverman, comp. *Selected Letters of Cotton Mather* (Baton Rouge: Louisiana State University Press, 1971), 78-79.

[12] For church membership, see Foote, *Annals of King's Chapel*, Vol. I: 173. Samuel Sewall recorded in his diary for December 19, 1699, that Campbell was one of seventeen guests in Sewall's home attended by, among others, Gov. Richard Coote, Earl of Bellomont. Campbell's appointment as constable is recorded in Robert Francis Seybolt, *The Town Officials of Colonial Boston 1634-1775* (Cambridge, Mass.: Harvard University Press, 1939), 97.

[13] *Massachusetts Historical Society Collections*, 3d series, Vol. VII: 55-58, 60, 65.

[14] The grant was given to Thomas Neale, a favorite of the royal court. He never visited the colonies and appointed the Scotchman Andrew Hamilton his deputy to administer the system. The grant is quoted in Harry Myron Konweiser, *Colonial and Revolutionary Posts; A History of the American Postal Systems* (Richmond, Va.: Dietz Printing Co., 1931), 16-17. See also Wesley Everett Rich, *The History of the United States Post Office to the Year 1829* (Cambridge, Mass.: Harvard University Press, 1924), 12ff.

[15] George Emery Littlefield, *Early Boston Booksellers, 1642-1711* (New York: Burt Franklin, 1969; reprint of the 1900 edition), 134.

Boone, a bookseller, to serve as the advertising solicitor.[16] He then contracted with Bartholomew Green to set one of the handwritten letters in type and print copies. Printing allowed Campbell to produce as many copies as he wanted at a much faster speed and more economical rate than he could ever imagine writing them with his quill.

Thus on April 24, 1704, began the Boston *News-Letter*. This, the colonies' first continuous newspaper, was a half sheet of paper, about 8 x 12 inches, made up with two columns on each of its two pages. A machine-printed version of Campbell's handwritten news-letters, it did not use headlines and varied the type only slightly, thus presenting a monotone page, on which the news items were arranged without any graphic order or emphasis. Subsequent issues followed the same rigid page make-up with clock-like regularity. Foreign news was printed on the front page and part of the second and third pages, followed by colonial news, and finally local news on the last page.

The *News-Letter* served as a semi-official report summarizing items of news for reader convenience. Many Bostonians came to rely on it for their own information and used it as a means of keeping friends in other towns supplied with news of Boston happenings.[17] It supplied readers with extracts of news of England and Europe, commercial-shipping news, news of the seaboard colonies and the West Indies, governmental items, local Boston news, and occasionally sermons and philosophical discourses.

The foreign news items, culled from English newspapers, were mostly political in nature. British government activities occupied the front page. Reprinted also were reports about the court intrigues and gossip, wars, and peace treaties. The London *Flying Post* and London *Gazette* were used most frequently as sources of news. To obtain the foreign news, Campbell would watch ships sailing up the harbor until they docked. Then he would run to the docks, hasten aboard to greet the captain, and secure the London papers.[18]

Campbell's domestic news covered the seaport settlements with which Boston had business and other contacts, from Nova Scotia to Charleston, South Carolina. Most of the news was about the arrival and departure of ships, and other marine news. He received his domestic news through the colonial post. Because transportation was slow and the post ran only weekly out of Boston, the reports almost always were at least a fortnight old; when winter snows hampered travel, they were older.[19] Nevertheless, the trade news was important to shippers, officials, farmers who had products and goods to ship or merchandise to buy, and businessmen who owned the ships or had investments in them. Adding excitement and drama to the *News-Letter's* pages were accounts of fights with pirates and French privateers who infested the waters of the Atlantic and about warfare against the Indians who prowled outside the settlements. Functioning as a journal of public affairs, the *News-Letter* reported on the activities of colonial government and the assembly. It also laconically summarized such occurrences as deaths, disease, fire, and floods that could stir people's emotions. It carried, however, little local news of Boston and the immediate neighborhood. The stories that it did publish formed a weekly chronicle of Boston events: disease, natural deaths, executions of pirates, religious news, official court news, and political news. Of the political news, the governor's activities always made front page stories—an exception to Campbell's practice of relegating local news to the back.

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[16] The initial issue of the *News-Letter* carried this notice: "[A]ll Persons who have any Houses, Lands, Tenements, Farmes, Ships, Vessels, Goods, Wares, or Merchandizers, &c. to be sold or Lett: or Servants Runaway: or Goods Stoll or Lost may have the same Inserted at a Reasonable Rate; from Twelve Pence to Five Shillings, and not to exceed: Who may agree with Nicholas Boone for the same at his shop next door to Major Davis's...." April 17-24, 1704. Boone's association with the newspaper lasted four weeks.

[17] Samuel Sewall, the Boston judge, may have been typical. Frequently in his diary he made references to the content of the *News-Letter* and his having sent the paper to acquaintances. See *Diary of Samuel Sewall*, June 12, 1704; September 19, 1706; April 3, September 30, 1708; December 6, 1714; June 4, October 15, 1716; March 18, 1717; March 11, June 10, 1718; April 14, November 7, 1720; November 18, 1721; March 19, 1722. See also Silverman, *Selected Letters of Cotton Mather*, 86, 219.

[18] *News-Letter*, November 5, December2, 1706; April 23-30, 1711; August 3-10, 1719. For a detailed discussion of transatlantic travel and its impact on news, see Ian K. Steele, *The English Atlantic 1675-1740: An Exploration of Communication and Community* (New York: Oxford University Press, 1986).

[19] The *News-Letter* of February 5, 1705, contained this description of the road conditions: "The East post came in Saturday...who says there is no Travailing with horses, especially beyond Newbory, but with snow-shoes, which our people do much use now that never did before. The West post likewise says't is very bad

Historians frequently have suggested that colonial newspapers downplayed local news on the assumption that local residents already knew what had happened in town. News of Dudley's fight with the two farmers, for example, already would have been much talked about in taverns and probably superceded by other more recent topics by the time it appeared in Campbell's weekly medium. With the *News-Letter*, however, as with most other colonial newspapers, one finds that some local news was printed. In the case of the *News-Letter*, the local news that was omitted was that which involved Dudley and his supporters unfavorably. Campbell thus appears to have had partisan motives for news decisions. As for other colonial newspapers, decisions about running news of local events appear to have been based normally on the proprietors' judgment about what would be of interest to local readers, thus accounting for a mix of foreign, domestic, and local news.

Campbell was so conscientious in providing a complete chronicle of news as to be inflexible. He cherished the foreign news so much that he would not throw away any part, however old it might be. He tried to carry all items as a "thread of occurrence," running a brief summary of the important events and then publishing serially all the items he had on hand. Ever attentive to foreign happenings, incoming boats, and local events, he attempted to include as much in each issue as space allowed, but the weekly half-page simply could not hold all he wished to relay. The result was that, as time passed by, the *News-Letter* lagged further and further behind. The news items were so stale, a year old in some instances, that Cotton Mather called them "antiquities."[20]

Criticized for the *News-Letter's* mundaneness, Campbell stated his editorial policy as having "always been to give no offence, not meddling with things out of his Province."[21] It was this spirit that prompted him to shy away from controversial political and social issues. He published the newspaper with permission from the Dudley administration, with each issue prominently displaying the line "Printed by Authority."[22] Producing the newspaper was, he believed, a responsibility of his position, and he thought of his own function as that of the government's provider of information. He never thought of being an independent, imag-

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Travailing."

[20] Cotton Mather, October 15, 1716, *Selected Letters of Cotton Mather*, 219.

[21] *News-Letter*, August 14, 1721.

[22] The paper continued to carry that legend during the administrations of Gov. Elizeus Burges (1715-1716) and Samuel Shute (1716-1728) until July 11, 1720, after Campbell was replaced as postmaster in 1719.

inative editor whose role was to scrutinize government action or analyze issues or indulge in controversy. As a friend of Dudley and many of his associates,[23] it was natural that he sided with government positions. On only one occasion was he reprimanded for offending authorities, and he willingly apologized.[24]

Most of the important issues facing Bostonians centered around contentious differences between Dudley and the townspeople. Campbell, however, had no wish to give attention to the dissensions in the *News-Letter*. As a result, he failed to cover many of the major events that were shaping Boston and that were of greatest interest to its citizens. This deficiency was especially noticeable in political events. In the early 1700s, Massachusetts confronted a variety of critical issues, ranging from the ongoing and acrimonious controversies between Anglicans and Puritans, to frontier defenses, the issuance of paper currency, taxation, the imbalance of trade with Great Britain, the dispute over a private banking system, a struggle for more autonomy from royal power, and a fight between the mercantile class and the old charter party. The *News-Letter* kept clear of these controversies. It also turned a blind eye on questionable and controversial activities of Dudley and his friends, including such actions as Dudley's high-handed political tactics with opponents; his acrimonious efforts to have his salary increased; a mob's attack on the grain warehouses of Andrew Belcher, a merchant friend of Campbell; the open flaunting of an adulterous affair by Dudley's mercantile associate, Arthur Lawson, which enraged Bostonians; and a trial in which Lawson and other merchants were convicted of selling English supplies to enemy troops in Canada and in which charges were made that Dudley himself was involved. While pamphleteers argued over these episodes incessantly, the pages of the *News-Letter* could have led a reader to believe they never happened.

Because of its news treatment and other reasons, the *News-Letter* struggled. Although receiving occasional government subsidies, Campbell faced hard times almost perpetually. The number of subscriptions remained small, and advertising volume never provided substantial income. With a circulation of fewer than 300 copies, Campbell frequently called upon the public and officials for support. Subscribers seemed to have been habitually tardy, sometimes by more than a year, in paying their bills; and Campbell repeatedly had to publish pleas for payment.[25] Most of his calls seem to have gone unrequited.

Part of the problem was that some Bostonians simply found Campbell's writing graceless and the paper dull. Cotton Mather, although a reader, ridiculed it as "our paltry news-letter."[26] More damaging, however, was the knowledge that the *News-Letter* was the official record for the unpopular and, some thought, immoral Dudley regime. Mather's statements to acquaintances that the "filthy and foolish" *News-Letter* provided only "a thin sort of diet" were so harsh as to appear motivated by more than the paper's dullness.[27] Most of the Puritan citizenry and Dudley's other political opponents held the *News-Letter* in low regard. Opponents such as Cotton and Increase Mather produced pamphlets attacking the Dudley administration and its Anglican supporters. Ministers preached on the necessity for public officials to follow Biblical standards in the conduct of local affairs. In spite of commercialism and other changes taking place in Boston society, Puritan traditions still were strong enough to provoke public anger against Dudley's vanity, government corruption, the British monarchy's efforts to expand its control over the colony, and the exertions of Boston's small Anglican minority to gain favored status.

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[23] Some evidence of relationships can be gathered from pallbearer services. Campbell served at the funerals of Roger Lawson, John Foy, John Frizell, and Sarah Williams. At Campbell's funeral, the pallbearers were Samuel Sewall, Nathaniel Byfield, Andrew Belcher, Daniel Oliver, Judge John Menzies, and Capt. Steel (John or Thomas). *Diary of Samuel Sewall,* April 13, 1709; November 25, 1716; April 15, 1723; March 7, 1727; March 4, 1728. All except Sewall and Oliver were members of King's Chapel, and several were prominent Dudley allies.

[24] The *News-Letter* of October 29, 1705, had accused Quakers of misrepresenting conditions in Massachusetts. Campbell promised to the Council of Trade and Plantations in London that in the future he would "carefully forbear reflecting upon those people, who I observe are very well and easily treated by the Government here, and for ought I know are peaceable in their places." Campbell to Wm. Popple, Council of Trade and Plantations, *Calendar of State Papers, Colonial*, Vol. 23 (1706-1708), #510.

[25] In 1708, on the fourth anniversary of the newspaper's publication, Campbell published this dun: "This being the last day of the fourth Quarter of this Letter of Intelligence: All persons in Town and Country, who have not already paid for this fourth Year, are hereby desired now to pay or send it in." See issue of August 10, 1719, for a lengthy recitation of Campbell's troubles.

[26] Cotton Mather, May 2, 1706, Silverman, *Selected Letters of Cotton Mather*, 77.

Still, Campbell persevered. He displayed a tenacious determination to carry out his arduous publishing duties despite the continuing problems. Revenues were barely enough to pay costs, and Campbell gave his "Labour for nothing."[28] Committed to fulfilling what he considered to be a public obligation, he worked conscientiously at the paper "(according to the Talent of my capacity and Education; ...) in giving a true and genuine account of all Matters of Fact, both Foreign and Domestick, as comes any way Attested...."[29] He made periodic pleas to the public for support, while promising that he would continue even if the small number of subscribers did not increase.[30] The *News-Letter*, troublesome and never prosperous, provided no more than a small source of income; and an individual less dedicated to his duties than Campbell might have stopped publication on any number of occasions.

The situation, difficult as it was, grew worse in 1718. Campbell was replaced with another postmaster, William Brooker. Campbell's philosophy about operating the *News-Letter* as if it were an official journal led his successor to assume that the newspaper was a part of the postmaster's position. Campbell, however, refused to give the paper to Brooker, and the two quarrelled. Campbell was denied use of the mail for sending the paper to subscribers.[31] Some subscribers were no longer to obtain the *News-Letter*, and the government was deprived of its journal.

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[27] Mather to ??, and Mather to Stephen Sewall (?), January 30, 1706, Silverman, *Selected Letters of Cotton Mather* , 70 and 76. In later years, however, Mather's attitude moderated, and in the 1720s during the inoculation crisis he wrote a number of pieces for the newspaper. See *Diary of Cotton Mather*, July 7, August 18, November 17, 1721. In 1722 he began publishing a nine-part series in the *News-Letter* on "The State of Religion." Because of its criticism of Anglicanism and the English monarchy, the government proceeded against him as a "publisher of dangerous libels." Mather to Lt. Gov. William Dummer, April 1, 1724, *Diary of Cotton Mather*, 793.

[28] *News-Letter*, August 10, 1719.

[29] *News-Letter*, August 14, 1721.

[30] The fourth-anniversary issue of the *News-Letter* carried this vow: "[T]hough there has not as yet a competent number appeared to take it annually so as to enable the Undertaker to carry it on effectually; yet he is still willing to proceed with it, if those Gentlemen that have this last year lent their helping hand to support it, continue still of the same mind another year, in hopes that those who have hitherto been backward to promote such a Publick Good will at last set in with it." *News-Letter*, April 24, 1708.

[31] It is unclear whether Brooker simply refused to allow Campbell to use the mail, or whether Campbell could not afford to pay postage fees from the newspaper's income when his franking privilege ended with his postmastership. In the Boston *Gazette* of December 21, 1719, Brooker stated that some subscribers to the *News-Letter* "have been prevented from having their newspaper sent them by the post, ever since Mr. Campbell was removed from being postmaster."

Brooker thereupon decided to start another newspaper, publishing the first issue of the Boston *Gazette* on December 21, 1719. When, in September of the following year, another postmaster was appointed to replace him, Brooker surrendered the newspaper to him. The *Gazette* became the organ of the postmaster and, it was assumed, of the colonial governor as well. When Brooker's successor, Philip Musgrave, was replaced in 1726, he likewise gave the paper to his successor. Thus the newspaper continued through a succession of five postmasters.[32]

Replaced as postmaster, Campbell nevertheless continued to publish the *News-Letter*. His approach, however, began to change. Whereas formerly he had moaned to readers about the paper's difficulties, he now told them that the subscription list was long, and he invited them to compare the quality of his newspaper with its competitor.[33] He began to insert his personality more, and along with the short summary news items he always had carried he now began including occasional essays and observations.[34] Piqued that Campbell had kept the *News-Letter*, Brooker printed an article stating that Campbell had been fired from the postmaster's job.[35] That charge led to an exchange of personal insults between the two,[36] and it was not long before they were taking sides on public issues. Generally, the *Gazette* under Brooker and Musgrave favored the interests of Governor Samuel Shute,[37] while the *News-Letter* took the side of the assembly.

Neither newspaper could be accused, however, of being a tool exclusively for one side. Political issues were intricate, and both papers frequently published material from contending sides. Some material was paid for as "advertisements" by the authors, whereas some was published as straight news matter. Cotton Mather's attitude toward the *News-Letter* had moderated, for example, and he wrote a number of pieces for it.[38] In 1722 he began publishing a nine-part series on "The State of Religion," which among other things criticized Anglicanism—despite Campbell's Anglican membership. Because of that criticism and remarks the essay made about the British monarchy, the government proceeded against Mather as a "publisher of dangerous libels."[39] On the other hand, in the acrimonious public debate over smallpox inoculation in 1721-1722, it was the *Gazette* which served as the primary outlet for Mather and his supporters.

Contentions between the royal governor and the elected representatives came to a head in 1720, and the dispute dealt the death blow to the governor's licensing of the press. The *News-Letter* and the *Gazette* played active roles in publicizing the contentions. Royal governors never had been fully able to control publishing in Massachusetts, as the lively pamphleteering scene had shown, but they still officially retained the authority given by the British crown to oversee printing and prohibit obnoxious publishing. In November 1719 Governor Shute delivered an address in which he blamed the colony for failing to manage forests as required for the construction of masts on naval ships.[40] The House of Representatives responded that the problem lay not with the colony but with the forest surveyor, who was appointed by the crown.[41] Shute then asked the House not to include that passage in its printed proceedings. The House refused, declaring that since the governor's criticism had been printed, it was appropriate that the response should be also. Shute replied that if the passage were not omitted, he would use his power as licenser of the press to prevent its publication. His instruction to Bartholomew Green, the official government printer, was sufficient to dissuade him from doing the work, but House members from Boston contracted with Nicholas Boone to proceed with the printing. Upon asking his council what action he should take, Shute discovered that council members were divided.[42]

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[32] Brooker (1719-1720), Musgrave (1720-1726), Thomas Lewis (1726-1727), Henry Marshall (1727-1732), and John Boydell (1732-1734). Boydell retained the paper after leaving the postmastership. Upon his death, the *Gazette* became the property of his heirs. They operated it until 1741, when they sold it to the printers Samuel Kneeland and Bartholomew Green. When Boydell decided to keep the *Gazette*, his successor as postmaster, Ellis Huske, began the *Post-Boy* (1734).

[33] *News-Letter*, December 26, 1720.

[34] His lampoon of the *New England Courant* on August 28, 1721, for example, turned the *Courant's* criticism that Campbell was dull.

[35] *Gazette*, December 21, 1719; January 11 and 25, 1720.

[36] In the *News-Letter* of January 4, 1720, Campbell implied that Brooker was a drunkard, and in the following issue of the *Gazette* (January 11) Brooker said that he had been kind in reporting that Campbell had been "removed" from the postmastership rather than "turned out." Almost nothing of a personal nature is known about Brooker. The diarist Samuel Sewall recorded in October 1720 that a Boston resident named Brooker "was a little before sent to prison for Debt." (*Diary of Samuel Sewall*, October 24, 1720.) His nomination for the postmastership apparently was turned down by the London office.

[37] Elizeus Burges replaced Joseph Dudley as governor in 1715 but served only one year. Shute succeeded him and served until the end of 1728, although he was *in absentia* in England after 1722.

[38] See *Diary of Cotton Mather*, July 7, August 18, November 17, 1721.

[39] Mather to Lt. Gov. William Dummer, April 1, 1724, *Diary of Cotton Mather*.

The governor and the representatives continued at loggerheads over a variety of issues, the main one being the respective authority that belonged to each, during the remainder of Shute's stormy term of office, and both sides used the *Gazette* and *News-Letter* extensively. When in March of 1721 Shute proposed a law to give him through legislation the authority to license printing, the House replied that licensing would raise "innumerable incoveniences and danger" for the colony and that punishment *after* publication would be preferable.[43] When Shute's council then approved a bill for preventing and punishing libels, the House refused to pass it. The entire disagreement between the governor and the House was aired in the pages of the *Gazette* and *News-Letter*[44] and in an array of pamphlets.

Because of their moderation, however, neither the *News-Letter* nor the *Gazette* could satisfy the combative High Church faction in King's Chapel, and it was the dissatisfaction of that small group that provided the motive for a third newspaper, the *New-England Courant.* The *Courant* brought the differences between radical Anglicanism and Boston Puritanism to a head. Ever since the founding of King's Chapel, its members had hoped that Anglicanism would be established as the official church in Massachusetts. Since Anglicans were greatly outnumbered and their presumptions and practices held in contempt by most of the populace, they had found it necessary to act with a degree of prudence. With the advent of John Checkley, however, they gained a zealous spokesman who did not shrink from controversy but relished it. Seeking a forum from which he could attack Puritanism, in 1721 he decided upon the tack of founding the *Courant*.[45] It brought a new aggressive, virulent, vituperative style to Boston journalism.

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[40] Speech is reprinted in *News-Letter*, November 9, 1719.

[41] *General Court Records*, X: 417, quoted in Clyde Augustus Duniway, *The Development of Freedom of the Press in Massachusetts* (New York: Longmans, Green, 1906), 87.

[42] *Sewall Papers*, III: 238-239, quoted in Duniway, ibid., 88.

[43] Quoted in Thomas Hutchinson (Massachusetts colonial governor), *The History of the Colony and Provice of Massachusetts-Bay* (Cambridge, Mass.: Harvard University Press, 1936), 185-186. In illustrating the types of material that should be punished, the House referred to a pamphlet entitled *News from Robinson Crusoe's Island* (Boston, 1720) written by Cotton Mather, which criticized Elisha Cooke, Increase Mather's old adversary and now a leader of the anti-Shute faction in the House. Cotton Mather was concerned that the House's wrangling to assert its power might endanger Massachusetts' charter.

[44] The episodes involving the governor and the House are recounted in detail in Hutchinson, ibid., 163-218, and Duniway, *The Development of Freedom of the Press in Massachusetts*, 79-96.

The following year, after eighteen years of publishing the Boston *News-Letter*, Campbell finally sold it to Bartholomew Green in 1722. Campbell was appointed a justice of the peace the following year[46] and died in 1724.[47] Under Green and his successors, the *News-Letter* remained a supporter of the royal authorities and a straightforward, inocuous journal.[48]

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[45] For an account of the *Courant*, see Wm. David Sloan, "The New-England Courant: Voice of Anglicanism," *American Journalism* 8 (1991): 108-141; and Carolyn Cline, "The Hell-Fire Club: A Study of the Men Who Founded the New England Courant and the Inoculation Dispute They Fathered," masters thesis, Indiana University, 1976.

[46] William H. Whitmore, *The Massachusetts Civil List for the Colonial and Provincial Periods, 1630-1774* (Baltimore: Genealogical Publishing Co., 1969; reprint of the 1870 edition), 127.

[47] Samuel Sewall recorded that "Monday night, March 4th. Mr. John Campbell dies, who writ the first News-Letter. Was inter'd Saturday March 9th." *Diary of Samuel Sewall*, 1060.

[48] Green published the paper until 1733, altering the title to the "*Weekly News-Letter*" with the last week of December 1726. He also abandoned Campbell's philosophy of publishing a "Thread of occurrences" no matter how old the news and began to publish weekly the latest intelligence he could procure. The *News-Letter* was one of the longest-lived newspapers in colonial America, spanning seventy-two years. On January 4, 1733, John Draper took over as publisher. He transferred the paper to his son Richard Draper in 1762. He renamed it the *Massachusetts Gazette*. On his death in 1774, his widow, Margaret Draper, assumed control and, in partnership with John Boyle and then John Howe, continued publication until 1776, when, with the evacuation of British troops from Boston, the newspaper finally ceased.

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AMERICAN NEWSPAPER CONTEMPTS BEFORE 1880

Richard Scheidenhelm
Boulder, Colorado

AMERICAN NEWSPAPER CONTEMPTS BEFORE 1880

A. Early Cases

One of the major themes through which the history of freedom of the press may be traced concerns the summary punishment of editors and publishers by judges for contempt. Contempt was only one of a number of remedies for the perceived excesses of the press. The judicial arsenal included criminal libel prosecutions, civil libel suits, and prosecutions for obscenity and blasphemy, among others. Contempt by publication was, however, a unique remedy, because it could be employed without the inconveniences of a jury trial.

The classic history of newspaper contempts in the United States dates from 1928 -- two articles by Walter Nelles and Carol Weiss King published by the Columbia Law Review under the title: "Contempt by Publication in the United States."[1] Published at a time when direct judicial repression of the press was at its height, these articles sought to correct the impression that courts were under some imperative or necessity to respond to publications thought to be offensive or threatening.

The purpose of this essay is to draw inferences concerning the development of press freedoms in the United States through consulting the legal literature of newspaper contempts. The notion that a judge may summarily punish the publisher of an out-of-court statement was derived from English common law. The definition of contempt by publication by Sir William Blackstone was characteristically broad:

> Speaking or writing contemptuously of the court or judges, acting in their judicial capacity; ... printing false accounts (or even true ones without proper permission) of causes then depending in judgment; and by any

> thing, in short, that demonstrates a gross want of that regard and respect which, when once courts of justice are deprived of, their authority (so necessary for the good order of the kingdom) is entirely lost among the people.[2]

The first case of newspaper contempt reported after the American Revolution demonstrated the tenuousness of the remedy. A dispute between Eleazer Oswald, editor of Philadelphia's Independent Gazetteer, and Chief Justice Thomas McKean of the Pennsylvania Supreme Court dated back to 1783, when Oswald criticized McKean for sentencing army veterans who had been convicted of criminal activities too severely. McKean responded by attempting to have Oswald prosecuted for criminal libel, but a grand jury refused to indict.

Five years later, one Andrew Browne, the master of a "female academy" in Philadelphia, brought a civil action for libel against Oswald. Oswald had published anonymous articles directed against Browne, who demanded to know the authors. Oswald refused, Browne filed suit and demanded that Oswald be "attached" or arrested. Browne also demanded that Oswald's bail be set at one thousand pounds, an amount that was refused by one of the justices.

Following his release, Oswald published an article charging that Browne "was merely the hand-maid of some of my enemies among the federalists; and in this class, I must rank his great patron, Doctor Rush (whose brother is a judge of the supreme court)." For this, the Pennsylvania Supreme Court ordered Oswald to show cause why he should not be attached for contempt. Oswald appeared with counsel, refused to answer "interrogatories" or questions concerning the article, and was sentenced to a fine of ten pounds and a jail sentence of one month. Respublica v. Oswald is most significant for the legislature's response to the case. Oswald's attempt to impeach Justice McKean was unsuccessful in 1788, but William Findley, a member of Pennsylvania's General Assembly, sponsored a resolution seeking "to define the nature and extent of contempts."[3] Findley renewed his motion fifteen years later, after a merchant named Passmore was sentenced to thirty days in jail for posting a notice in the exchange room of Philadelphia's City Tavern complaining of the conduct of his opponents in an insurance dispute.[4]

By 1804, a majority of both houses of the Pennsylvania legislature were supporting the impeachment of Supreme Court justices for using the contempt remedy to punish out-of-court publications.[5] In 1809, the legislature enacted a statute prohibiting the summary punishment of newspaper contempts. From then on, Pennsylvania was in the rank of states where publishers of objectionable newspaper commentary concerning the judicial system possessed the right to a trial by jury.[6]

A dispute between Mordecai Noah and Alden Spooner, publishers of rival newspapers in New York City in 1818, illustrates the relationship of contempt by publication to other legal restraints on the press. It must be presumed that Noah was familiar with the law of contempt. In 1808, the 23-year old Noah, then living in Philadelphia, assisted Simon Snyder in a successful race for governor against Thomas McKean.[7] By 1818, Noah was the editor of The National Advocate, and politically aligned with the Bucktail Party, opponents of De Witt

Clinton, who had just been elected Governor of New York.

Spooner was the editor of the New York Columbian, and a Clinton supporter. A letter addressed to Spooner by the editors of the Poughkeepsie Observer solicited Spooner's support for the redistribution of state printing contracts to Clinton men. The letter found its way to Noah, who published it with running commentary in his newspaper.

The letter referred to Noah as a "wretch"; Noah returned the compliment by referring to the prospective recipients of government largesse as "hungry cormorants." Noah was indicted for the common law misdemeanor of opening and publishing a sealed letter, and tried before a jury in New York City's Court of General Sessions. The jury convicted Noah, but Mayor Jacob Radcliffe -- who presided over the Court as judge -- reversed the verdict, ruling that the letter had come into Noah's hands already opened.

Spooner, who used his newspaper to refer to Noah as "the knight of the broken seal," was then tried for criminal libel. The jury, some of whom had participated in deciding Noah's case, reported itself hung and was discharged. Upon the complaint of a juror in Noah's case that both newspapers were publishing "undue reflections, particularly on the jury," Mayor Radcliffe ordered Noah and Spooner to be cited for contempt. After Noah and Spooner filed affidavits disclaiming any intention to commit a contempt of court, Radcliffe discharged them without penalty.[8]

The contempt charges against Noah and Spooner served notice that the press would occupy an inferior position to the demands of the judicial process. During a subsequent contempt proceeding against Spooner in 1820, Mayor Cadwallader Colden of New York City announced the power of punishing contempts as "absolutely necessary to preserve the respect, authority, and even existence of courts." Colden acknowledged that the contempt power was "arbitrary", that "it deprives a party accused of a trial by jury, and puts him wholly at the mercy of the members of the court, who are generally the persons offended."

In cases of contempt by publication, or "constructive contempts", Colden recommended limiting the power to cases "when the language is so explicit, and the offence so gross and palpable, that innocence of intention cannot be presumed, and, if it could, ought not to excuse."[9] Whether or not to issue an attachment for contempt, in other words, was a matter of discretion for the court. If juries would not reign in the perceived excesses of press freedoms, judges would.[10]

C. On Tyranny

The rhetoric of the early contempt cases portrayed language as corrosive and the press as a dangerous instrument. In the words of William Lewis, the prosecutor in Respublica v. Oswald, "every man may keep poisons in his closet, but who will assert that he may vend them to the public for cordials?"[11] This view of language was not restricted to Federalist judges or aristocrats in fear of the mobilization of the masses by the press. A Jacksonian view of contempt was articulated by the Tennessee Supreme Court in the case of P.H. Darby, decided in 1824.

Darby had been stricken summarily from the roll of attorneys by the Court "for a publication in print respecting a suit still pending." In refusing Darby's application for readmission to the bar, Justice John Haywood attempted to invoke the image of "the plain and simple man," unable to obtain justice "after his more able adversary has made the world believe that he is a villain; has blackened his cause in public estimation; has turned the current of popular prejudice against him; has pre-occupied the opinions of the jurors and has so intimidated the judges who are to decide in his cause, as to make them afraid to give judgment in his favor, however meritorious his cause may be."

The press, in Haywood's view, was an instrument of the "daring and factious." If publications concerning pending cases were to be tolerated, "what is the law but an engine, by the help of which the cunning man overreaches and ruins his unlearned neighbor?" "Can a judge whose mind is enslaved by fear, do justice against the tyrant who enslaves him?"[12]

A different view of tyranny -- and, specifically, who the tyrant was in cases of constructive contempt -- was articulated by De Witt Clinton in the case of Yates v. People, decided by New York's Court of Errors in 1810. The Yates case did not involve contempt by publication. J.V.N. Yates, a Master in Chancery, had filed a pleading and signed the name of a solicitor without his knowledge or consent. John Lansing, Chancellor of the State of New York, committed Yates "to the common jail of the City and County of Albany, there to remain until the further order of court."

This summary conviction of Yates for "malpractice and contempt" was ultimately reviewed by the New York Court of Errors, which ordered Yates released. Clinton's opinion in the Court of Errors argued that Lansing, as Chancellor, could not "take cognizance of crimes," and that the summary punishment of Yates had deprived him of his right to trial by jury.

The strongest rhetoric of Clinton's opinion was reserved for his discussion of the fact that Yates had been committed for an indefinite time. "An indefinite commitment as to time, with an implied understanding that the prisoner shall be released on submission," wrote Clinton, "is, in fact, an imprisonment during the pleasure of the judge, which pleasure may continue until the subject of punishment is released by death; for what will be deemed a sufficient submission, or atonement, is still preserved as a mysterious deposit in the bosom of the judge."

Clinton asked his audience and readers to imagine the results if Lansing's response to Yates' misconduct was adopted by the judges of New York.

> Every court in the State ... may commit for contempts (wrote Clinton), and I presume that this high-toned doctrine of contempts will be applied to them all. Every part of the State will then exhibit its magistrates armed with the power of indefinite imprisonment for contempts. Giving the line to this doctrine, and allowing practical operation to the dogmas of judicial discretion, of imprisonment during pleasure, and of exclusive cognizance of contempts, no man will be safe from the coercion of tyranny.
>
> If "man, proud man, dressed in a little brief authority," does not then "play such fantastic tricks before high heaven, as to make the angels weep," he may still make your citizens groan in prisons, deprived of the blessings of freedom, of the comforts of domestic life, and of the rights and liberties which were procured for us by the soldiers and statesmen of the Revolution. Upon the doctrine contended for, a throne of judicial tyranny may be erected in every part of the country, unless the Legislature shall interpose, and define the nature of contempts, the period of imprisonment, the extent of fines, and shall say to our courts, "thus far shalt thou go, and no farther."[13]

Despite Clinton's plea for legislation, New York did not enact a statute attempting to define criminal contempt until the legislative session of 1827-28. That session, which adopted a general revision of New York's statutes, immunized "the publication of true, full and fair reports of any trial, argument, proceedings or decision" in the courts from punishment. Summary contempt charges for "false, or grossly inaccurate report(s)" of judicial proceedings were authorized, however, as long as the consequences did not exceed a $250 fine and thirty days' imprisonment.[14]

The attempts to limit summary contempt proceedings in New York and other states were heavily influenced by Edward Livingston, a lawyer from New York who moved to New Orleans following a financial reversal. Livingston drafted a criminal code for Louisiana in 1824. Chapter XI of his Code limited the contempt power of courts to conduct in the presence of the court and to writings addressed to judges in pending cases.

Livingston justified his approach by subjecting the use of summary contempt powers to what he called the doctrine of necessity. According to the principles of natural law, "society has ... the right of self-defence." Courts, like individuals, "have the right to defend their own existence, and to repress every thing that interferes immediately with the exercise of their legal powers." "Every thing, then, that is necessary and proper to defend its existence, and secure the free performance of its functions, can with no greater propriety be denied to a court than there would be in forbidding an individual to defend his life against the attack of an assassin."

After an attack, successful or not, had been completed, however, the doctrine of necessity could not justify the use of summary contempt powers. "Is the violence over -- has the interruption ceased -- is the intruder removed -- has the order, which was disobeyed, been complied with?" "Here," wrote Livingston, "the power of the incorporeal being (the court), as well as that of the individual in the analogous case, ceases, and the duty of the sovereign begins."[15] By this, Livingston meant that once the immediate interference with the conduct of a court proceeding terminated, that offenders should be subjected to prosecution by the state for legislatively defined offences and penalties, and afforded trial by jury.

Livingston had expanded upon Clinton's critique of the contempt remedy by choosing to focus upon the dangers and absurdities of the remedy itself, rather than the duration of the punishment. "The magnitude of the punishment is comparatively of little moment," he wrote. "It is the principle that is dangerous. A free citizen ought never to hold his liberty, even for an hour, or the slightest portion of his property, at the will of any magistrate."

Livingston was able to express what every lawyer knew -- that the unchecked exercise of contempt power by a court subjected an advocate to the requirements of "a fawning, hypocritical cant." The definition of contempt as "a want of regard and respect" left Livingston with the question: "But how shall I avoid showing it?"

> When in my own defence, or in the prosecution of my right, I differ from the judge, and show that the opinion he has given is absurd, certainly I treat him with very little regard or respect. I can feel none for a man who,

> by some miserable sophistry, deprives me of my right; and if I expose it to the world, I show my want of respect; but a want of respect is a contempt. I am, therefore, liable to be punished for defending my right in the only way that justice requires it should be defended.[16]

D. The Trial of Judge Peck

With the eloquence of De Witt Clinton and Edward Livingston, the problems inherent in the use of the contempt remedy by the courts had become abundantly clear by the end of the 1820's. The nail in the coffin of contempt was to be driven in 1830-31 by the impeachment trial of federal district judge James H. Peck.

Peck had presided over the trial of Spanish land-grant claims in Missouri in 1824-25, and in a decision announced from the bench in December, 1825, denied the principal claim. Almost four months later, at the end of March, 1826, Peck published his opinion in The Missouri Republican.[17]

The last paragraph of Peck's opinion recognized that his decision "proceeded chiefly upon grounds which had been little or not examined in the argument of the cause." The attorneys representing other of the numerous claimants, therefore, "will not be excluded from again stirring any of the points which have been here decided, when they may hereafter arise in any other cause."[18]

One of the attorneys for the Spanish land-grant claimants, Luke Lawless, decided not to wait for the argument of other causes. On April 8, 1826, Lawless published an article in The Missouri Advocate and St. Louis Enquirer anonymously pointing out what he considered to be "the principal errors" of Peck's opinion.[19] In open court, Peck displayed the newspaper and demanded the name of its editor.

Lawless, who was in Peck's court at the time, supplied the name and volunteered to defend him. When Peck announced that he would attach the editor for contempt, Lawless disclosed his identity as the author.

What happened next can best be described as bizarre. Judge Peck took off his glasses, put on a blindfold,[20] and requested the District Attorney to read the article written by Lawless, paragraph by paragraph. As the article was read, Peck commented -- using terms such as "that is wholly unfounded," "false", "scandalous", and "calumniator." At one point, the Judge declared that "in China the house of such a calumniator would be painted black, as an evidence of the blackness of his heart, and as a warning that the whole world might avoid him."[21]

After two hours or more of this, Lawless, "able to endure the abuse no longer," left the courtroom. On the same day, while trying a case in state court, Lawless was attached by a federal marshal, taken before Judge Peck, sentenced to twenty-four hours in jail, and suspended from the practice of law in Peck's court for a period of eighteen months. Lawless responded by mounting a four-year effort to have Peck impeached by the House of Representatives and tried by the United States Senate.

During the impeachment trial, Peck -- who had referred to the freedom of the press as "trite"[22] -- and his lawyer, William Wirt, attempted to portray the press as "poisoning the public mind" when commenting upon judicial proceedings. "The liberty of the press," said Wirt, "is among the greatest of blessings, civil and political, so long as it is directed to its proper object, that of disseminating correct and useful information among the people. But this greatest of blessings may become the greatest of curses, if it shall be permitted to burst its proper barriers."

Wirt, who was one of the most notable lawyers of the time, analogized freedom of the press to natural law. "The river Mississippi is a blessing to the country through which it flows, so long as it keeps within its banks; but it becomes a scourge and a destroyer when it breaks them." The contempt power exercised by Judge Peck was an instructive lesson of natural law: "The vine would shoot into rank luxuriance, if not under the restraint of the laws of nature, by which every thing was preserved within its proper bounds."[23]

James Buchanan, the chairman of the House Committee on the Judiciary and Manager of the impeachment proceedings against Peck in the Senate, responded to Wirt's nature lessons as follows: "Better that the noble vine should shoot into rank luxuriance, than plant a canker in its root which would destroy the tree; -- or even commit it to the care of such a vine-dresser as the respondent (Peck), to lop away all its fruitful branches, and leave it a naked trunk."

Buchanan's closing argument in the Senate, which occupied the better part of two days, represented an attempt to prevent the doctrine of constructive contempt from taking hold. "I will venture to predict," he said, "that whatever may be the decision of the Senate upon this impeachment, Judge Peck has been the last man in the United States to exercise this power, and Mr. Lawless has been its last victim."

To apply the contempt power to newspapers, argued Buchanan, was futile and backward. "You might as well attempt to stop the flowing tide, lest it might overwhelm the temporary hut of the fisherman upon the shore, as to arrest the march of public opinion in this country, because in its course it might incidentally affect the merits of a cause depending between individuals."[24]

The strongest language in the argument before the Senate was exhibited by George McDuffie, a member of the House from South Carolina who was one of the Managers of Peck's impeachment trial. McDuffie referred to Peck's conduct as "the strongest illustration of judicial despotism that had ever been exercised, from the first dawn of civil liberty to the present day." Peck, said McDuffie, "must have been deranged." The interpretations placed by Peck on the article by Lawless "could have been conceived ... by nothing but the very genius of despotism in its maddest freaks."

McDuffie illustrated the "insidious encroachment of power" that Peck's use of the contempt remedy against Lawless represented as follows:

> It was no extravagant supposition to imagine that this Government might, at some period hereafter, be administered under the influence of party passions; that a party might get into power by intrigue and management, and that it might occur to that party, consisting of a minority, to attempt to maintain that power by muzzling or suppressing the freedom of the press. They might not pass a sedition law, but they might appoint ten thousand district and territorial judges; they might send justices of the peace into every town and parish in the Union; and each of these, upon the doctrine of Judge Peck, might drag an editor before him, punish him for contempt, and thus destroy the liberty of the press.[25]

The rhetoric of Buchanan, McDuffie, and others proved to be unavailing in removing Judge Peck. The trial, which lasted over a month, ended on January 31, 1831, when the Senate voted, 21-22, to acquit Peck. On the following day, however, Joseph Draper, representing Virginia in the House, introduced a resolution directing the Committee on the Judiciary to define by statute "all offences which may be punished as contempts of the courts of the United States."[26] On March 2, a law was approved by President Jackson restricting federal courts from using summary contempt remedies except in cases of "misbehavior ... in the presence of said courts, or so near thereto as to obstruct the administration of justice."[27]

E. Baldwin's Jeremiad

The law of constructive contempt was pronounced dead in federal courts by U.S. Supreme Court Justice Henry Baldwin, riding circuit in the Eastern District of Pennsylvania in 1835. Baldwin refused an attorney's request to hold an editor in contempt for commenting on a pending trial, saying that "the court is disarmed in relation to the press." The Judge refused to assert an inherent power to go beyond the limitations defined by the legislature. "It would ill become any court of the United States to make a struggle to retain any summary power, the exercise of which is manifestly contrary to the declared will of the legislative power," he wrote. Such an assertion "would ... be not only utterly useless, but place the court in a position beneath contempt."

Baldwin bemoaned the demise of this remedy. The law had "tied the hands" of judges. The press was free "to influence or intimidate a juror or witness," as long as "corruption, force, or threats are avoided." "Papers may be put into their pockets, conversation held with them, newspapers put into their hands, or statements made in relation to any matter in issue while they are actually impanelled." Congress, through the Act of March 2, 1831, had delegated "the propriety of such publications to the discretion of the editors of public papers," and taken such decisions away from judges.

Federal judges might "appeal to ... the magnanimity of the press" to abstain from publications that could divert or bias a trial. "Its conductors should remember that suitors stand unarmed and defenseless before them; that the hands of the court are manackled." Baldwin urged editors to limit their comments on pending cases to those brought in state courts, "who can meet them in the panoply of the law." "It is neither manly or generous," he concluded, "to assail those who can make no resistance, or inflict an injury for which the sufferer is left without a remedy."[28]

Baldwin later discovered a more indirect method to protect the federal courts from newspaper coverage during trial. The case of United States v. Holmes, tried in 1842, concerned the sinking of the ship William Brown in the North Atlantic by an iceberg. Forty-one persons, 32 passengers and 9 crew, took refuge in a leaky longboat for one day, before the crew, headed by Holmes, began jettisoning the male passengers.

The trial of Holmes for homicide excited great interest. "On the day assigned for the trial, ... several stenographers connected with the newspaper press appeared within the bar, ready to report the evidence for their expectant readers." Baldwin declared "that no person will be allowed to come within the bar of the court for the purpose of reporting, except on condition of suspending all publication till after the trial is concluded." The reporters acquiesced.[29]

F. State Courts before 1860

With this caveat -- that judges could attempt to regulate the conduct of the press within a courtroom -- the impeachment of Judge Peck succeeded in suppressing the doctrine of newspaper contempts, not only on the federal level but in state courts as well, until the 1880s.[30] One of the most influential opinions restraining the use of contempt by publication in state courts was delivered in 1842 by the Illinois Supreme Court in the case of Stuart v. People. William Stuart, the editor of the Chicago Daily American, had been summoned to Cook County Circuit Court and fined one hundred dollars for publishing an article concerning the judge and jury in a pending murder trial.[31]

Justice Sidney Breese, writing for the majority, reversed the judgment against Stuart, remarking that "respect to courts cannot be compelled."

> An honest, independent and intelligent court will win its way to public confidence, in spite of newspaper paragraphs, however pointed may be their wit or satire, and its dignity will suffer less by passing them by unnoticed, than by arraigning the perpetrators, trying them in a summary way, and punishing them by the judgment of the offended party.

Breese did not wish to be understood as doubting the power of a judge to punish for contempts. For him, the contempt power was "not a jewel of the court, to be admired and prized, but a rod ..., most potent when rarely used."[32] Sixteen years later, in 1858, the Iowa Supreme Court relied upon Justice Breese's logic in reversing the conviction and fifty dollar fine of an editor who had called a trial judge a "petty tyrant who disgraces the judiciary of Iowa."[33]

Perhaps the most startling repudiation of the doctrine of newspaper contempts emanated from the Mississippi Supreme Court in 1844. Judge George Coalter of Vicksburg had released an accused murderer from jail before trial; and Walter Hickey, the editor of the Vicksburg Sentinel, published an editorial demanding that Coalter be impeached. Reacting, no doubt, to the strong language of the editorial,[34] Coalter summoned Hickey and sentenced him to five months in jail and a fine of five hundred dollars.

Mississippi's Governor, Albert G. Brown, pardoned Hickey the next day, noting that Mississippi statutes limited sentences in cases of contempt to imprisonment during the term of court at which the contempt was committed and a fine of one hundred dollars. On the following day, Coalter ordered Hickey to jail again. The legality of Hickey's imprisonment was then tried by Justice J.S.B. Thacher of the Mississippi Supreme Court under a writ of habeas corpus five days after Coalter had first jailed the editor.

Thacher released Hickey, holding that the doctrine of constructive contempts -- applied by Coalter under the theory that the "inherent and necessary" powers of a court could not be limited by the legislature -- could not "bear the collision" with Mississippi's Constitution. Thacher's rhetoric included the following:

> The shield which our constitution throws around the press has been held up to interpose before the power of the courts to punish for contempts. The most dearly prized offspring of our national liberty, is the freedom of the press. It is so, because it can be made its most effectual protection at home, and because it can be employed as the apostle of those liberties to millions abroad. The worst enemy to freedom is ignorance. Instruct men in the knowledge of their rights, and a vindication of those rights follows as surely as light follows the rising sun.
>
> Yet the freedom of the press is abused to base and unworthy purposes. Such, indeed, as sad experience teaches, is often the melancholy fate of the greatest blessings that a wise providence has bestowed upon us, or that human skill has invented. The free air we breathe is essential to our existence, but when infected with pestilential matter, it becomes the most terrible weapon of death. But who would argue, because disease may float in the atmosphere, that the atmosphere should be destroyed?[35]

Prior to the Civil War, the courts of only two states disagreed with the logic of De Witt Clinton, Edward Livingston, James Buchanan, and Justices Breese and Thacher. These court systems were found in New Hampshire and Arkansas, states where judicial decisions presumably made little immediate impact, either on the American press or on the American legal system.

Tenney's Case, decided by the New Hampshire Supreme Court in 1851, concerned a lawsuit won by a Joseph A. Gilmore against John P. Tenney for the return of cattle. Tenney's father then printed copies of a lawsuit filed by another party against Gilmore, and circulated them in places where Gilmore had business connections. An insurance company in Boston where Gilmore conducted business received a copy, as did the minister of Gilmore's church.

Tenney's purpose, apparently, was to pressure Gilmore and his associates to stop execution of the judgment against his son -- a purpose that the New Hampshire Supreme Court said amounted to extortion. The Court, citing English precedent and Respublica v. Oswald, granted an attachment for contempt by publication. What the penalty against Tenney was the opinion did not say.[36]

In the words of Walter Nelles and Carol Weiss King, "the Arkansas case of State v. Morrill was more daring and original."[37] In 1855, a member of the Arkansas bar called the attention of the Arkansas Supreme Court to an article in the Des Arc Citizen, criticizing a decision by the Court to permit a murder suspect to furnish bail. The article, which was not reproduced in the opinion, appaparently implied that the Court had been bribed.

The Arkansas statute defining contempts referred only to conduct in the court's "immediate view and presence, and directly tending to interrupt its proceedings, or to impair the respect due its authority." Chief Justice Elbert H. English admitted early in his opinion that Morrill's article did not fall within the statutory definition of contempt.

Instead, English described the contempt power as "inherent in all courts of justice" and not subject to definition or limitation by the legislature. Citing a number of English and (pre-Judge Peck) American precedents, the opinion asserted that the contempt power could be applied to libelous publications describing court proceedings "pending or past." Insults upon the judiciary, English wrote, "tended to degrade the tribunals; destroy that public confidence and respect for their judgments and decrees, so essentially necessary to the good order and well being of society, and most effectually obstructed the free courts of justice."

It would not "comport with the dignity of judicial stations," he said, "for judges to resort to newspapers, or the public forums in defense of the integrity of their decisions." If the public wished to accuse a judge of corruption, their sole remedy would be to address a request to the legislature for impeachment or removal. After an extensive opinion, the Court accepted Morrill's apology and let the matter drop.[38]

The opinion in State v. Morrill, which achieved a "profound and pervasive" influence at a later date, could be dismissed as the product of "a crude pioneer society."[39] The overwhelming tendency of American law from the 1820s through the 1850s was the refusal of courts to apply summary contempt powers to the press. It should not be inferred, of course, that the press was free from judicial intervention.[40] With the contempt remedy in relative disuse, newspaper defendants could appeal to juries as representatives of public opinion in responding to judicial restraints.

G. State Courts between 1860 and 1880

Despite the suppression of the press during the Civil War, the contempt remedy did not appear to enjoy a revival as a result. Two cases may be found -- one from New Hampshire and one from North Carolina -- in 1869 where state courts asserted powers to punish contempts by publication with minimal results. Sturoc's Case upheld a fine of thirty dollars assessed against an attorney who had complained of "ridiculous, unjust and preposterous" liquor law prosecutions in a letter to the Newport, New Hampshire, Argus and Spectator.[41]

In the Matter of Moore concerned an attempt by the Reconstructed North Carolina Supreme Court to assert its summary powers over one hundred and ten members of the North Carolina Bar, who had published a "Solemn Protest" against the political partisanship of Supreme Court justices during the 1868 Presidential election campaign. The Court lectured Moore, comparing its role to a patriarch who must rebuke a mutiny "at the outset if he would preserve the influence and control necessary for the good of the family." Having received a semi-apology, the Court decided to let Moore and the others go with the payment of costs.[42]

With the exception of these two cases, post-war American courts were generally disinclined to prosecute newspaper contempts until the decade of the 1880s. In an 1868 case, the Tennessee Supreme Court lectured the judges of inferior state courts to refrain from using the law of constructive contempts to punish editorial comments. The Court directed judges to employ orders excluding the press from trial proceedings, or suspending publication until the conclusion of trials, as an alternative. Such orders, said the Court, were to be reserved for those cases "where the publicity would be likely to defeat ... the correct and effective administration of the law."[43]

The apparent demise of contempt by publication was illustrated best by two cases decided by the Illinois Supreme Court in 1872 and

1875. In 1872, the Court summoned Charles L. Wilson and Andrew Shuman, publisher and editor of the Chicago Evening Journal, after an article was published concerning the appeal of one Christopher Rafferty, a convicted murderer. Apparently, a group of death penalty opponents had "contributed fourteen hundred dollars to demonstrate that 'hanging is played out.'"

The article offered sarcastic congratulations to "the riff-raff's ... little game."

> Their money is operating splendidly. We have no hesitancy in prophesying clear through to the end just what will be done with Rafferty. He will be granted a new trial. He will be tried somewhere, within a year or two. He will be sentenced to imprisonment for life. Eventually, he will be pardoned out.

The article asserted that "the sum of fourteen hundred dollars is enough nowadays to enable a man to purchase immunity from the consequences of any crime," and concluded as follows:

> The criminal should be tried at once, and when found guilty, should be hanged at once, and the quicker hanged the better. The courts are now completely in the control of corrupt and mercenary shysters -- the jackals of the legal profession -- who feast and fatten on human blood spilled by the hands of other men. All this must be remedied. There can be found a remedy, and it must be found.

After reversing Rafferty's conviction because the trial court refused to grant him a change of venue, the Court -- by a 4-3 vote -- fined Wilson and Shuman $100 and $200 respectively. The decision, which was grounded in an assertion of the Court's inherent powers, defined as contempts publications "calculated to impede, embarrass or obstruct the court in the administration of justice." A showing that a court was actually embarrassed or obstructed was unnecessary.

The majority opinions provide evidence of an underlying social fear. "Law with us is an abstraction," wrote Chief Justice Charles B. Lawrence. "When confidence in the courts is gone, respect for the law itself will speedily disappear, and society will become the prey of fraud, violence and crime." The rhetoric of the Chicago Evening Journal indicated that Lawrence's warnings of social disruption were not to be taken lightly. At the time of the publication, "there was an intense excitement in the community, and particularly in the city of Chicago, on account of frequent murders, and the escape of the perpetrators thereof. ... Public meetings had been held, committees had been appointed to aid in the suppression of crime."

In such circumstances, judges of "firm and equal temper" were required. Reassurances that judges were "wholly uninfluenced by publications like that under consideration" were unavailing. Can a court "even be certain in regard to itself?" asked Lawrence. "Can men always be sure of their mental poise?"

The other judges voting with Lawrence shared his concerns. Referring to the article as an "attempt to extort a decision," Justice William K. McAllister wrote: "Any well constituted judge would receive the threats of a mob gathered about the court house ... with far greater coolness and equanimity than such a threatened blot upon his character." In the opinion of Justice Anthony Thornton, the article's "false charges of crime are calculated to disturb the mind of the pure man, and unfit him for the discharge of arduous and responsible duties. Abuse can never convince. Passion must arouse passion."

Two written dissents were filed in the case. Justice John M. Scott remarked "that the majority of the court have attached an undue importance to a mere newspaper paragraph." Justice Benjamin R. Sheldon was flatly "unwilling to admit that newspaper paragraphs affect or are calculated to embarrass the administration of justice" in an appellate court.[44]

In the short run, the opinion of the Illinois Supreme Court in People v. Wilson backfired on the majority. The opinion was "hotly criticised," and Lawrence was defeated for re-election to the Court the following year.[45] Two years later, in 1875, a differently composed Court repudiated the Wilson opinion.

A grand jury returned indictments against Wilbur F. Storey of The Chicago Times for criminal libel and publishing an obscene newspaper. Storey's articles "reflecting upon the action of the grand jury" resulted in a judgment of contempt and a jail sentence by the criminal court of Cook County. The Illinois Supreme Court unanimously reversed the judgment, Justice John Schofield noting that "the theory of government requiring royalty to be invested with an imaginary perfection, which forbids question or discussion, is diametrically opposed to our theory of popular government."

Like the legislative and executive departments, the judiciary was elected in Illinois, and, therefore, responsible to the people. Public information concerning the judiciary was, therefore, a "necessity, ... in order that the elective franchise shall be intelligibly exercised." The use of summary contempt remedies was, moreover, contrary to the Illinois Constitution. As in most states, Illinois provided that the truth was a sufficient defense in all trials for libel. It, therefore, seemed "necessarily to follow" that defendants in cases of contempt by publication possessed "the right to make a defense which can only be properly tried by a jury, and which the judge of a court, especially if he is himself the subject of the publication, is unfitted to try."[46]

In 1875, Illinois -- thanks to the decision of Storey v. People and the repudiation of Chief Justice Lawrence by the electorate -- provided an object lesson concerning the inappropriateness of trying newspapers through the doctrine of contempt. By the turn of the century, however, the situation had changed. In 1907, the Illinois Supreme Court referred to People v. Wilson as "the leading case in this state"[47] on the subject of contempt by publication. Why the lessons of the nineteenth century had been forgotten, or ignored, bears investigation.

NOTES

1. Walter Nelles and Carol Weiss King, "Contempt by Publication in the United States," 28 Columbia Law Review 401; 525 (1928). For a recent introduction to "Contempt by Publication" during the nineteenth century, see Timothy W. Gleason, The Watchdog Concept: The Press and the Courts in Nineteenth-Century America, pp. 81-97 (Iowa State University Press, 1990). For an English perspective on the development of the law of newspaper contempts in America, see Sir John C. Fox, The History of Contempt of Court (Oxford, 1927) -- in particular, his chapter on "Almon's Case in the United States," pp. 202-26.

2. Sir William Blackstone, Commentaries on the Law of England, Book IV, Chap. 20, pp. 284-85 (3rd ed., Callaghan and Co., 1884).

3. Respublica v. Oswald, 1 Dallas 319 (Pa. 1802). For background on McKean and Oswald, see G.S. Rowe, Thomas McKean: The Shaping of an American Republicanism, pp. 183-88 (Colorado Associated University Press, 1978).

4. Respublica v. Passmore, 3 Yeates 438 (Pa. 1802).

5. The vote in Pennsylvania's House of Representatives in 1804 was 57-24. The impeachment failed in the Senate, 13-11, three votes short of the necessary two-thirds. Nelles and King, 28 Columbia Law Review at 414.

6. The Pennsylvania statute provided that "all publications out of court respecting the conduct of the judges, officers of the court, jurors, witnesses, parties or any of them, of, in and concerning any cause pending before any court of this commonwealth, shall not be construed into a contempt of the said court." The statute provided, however, that parties aggrieved by such publications were "at liberty either to proceed by indictment, or to bring an action at law." 28 Columbia Law Review at 415, n. 82.

7. Jonathan D. Sarna, Jacksonian Jew: The Two Worlds of Mordecai Noah, p. 5 (Holmes & Meier, New York, 1981).

8. For all three matters involving Noah and Spooner in 1818, see 3 Rogers City Hall Recorder 13-34 (N.Y.C. 1818).

9. In the Matter of Alden Spooner, 5 Rogers City Hall Reporter 109 (N.Y.C. 1820).

10. The relationship of contempt by publication to other legal remedies can be seen in other cases of the early nineteenth century. See Hollingsworth v. Duane, 12 Fed.Cas. 359, and United States v. Duane, 25 Fed.Cas. 920 -- both decided in the Circuit Court for the Pennsylvania District in 1801. See also People v. Freer, 1 Caines 518 (N.Y. 1804). These cases all involved newspaper comment on libel prosecutions.

11. Respublica v. Oswald, 1 Dallas at 329b -- from the argument of Lewis to the Pennsylvania General Assembly opposing the attempt of Oswald to impeach McKean in 1788.

12. In re Darby, 3 Wheeler's Criminal Cases 1, 3-4 (Tenn. 1824).

13. Yates v. People, 6 Johns. 337 (N.Y. 1810). Clinton's opinion is found at 6 Johns. 496. See, in particular, 6 Johns. at 507-08.

14. The statute is reprinted in full by Nelles and King, 28 Columbia Law Review at 421, n. 109.

15. Edward Livingston, "Introductory Report to the Code of Crimes and Punishments," found in The Complete Works of Edward Livingston on Criminal Jurisprudence, Vol. I, pp. 264-66 (National Prison Association, 1873).

16. Livingston, Complete Works, I, pp. 259-62.

17. Nelles and King note that in the absence of a series of judicial reports, publication by a judge of his opinions in the newspaper was not unusual. 28 *Columbia Law Review* at 428, n. 143.

18. From James Buchanan's speech to the U.S. House of Representatives, April 21, 1830, recommending the impeachment of Judge Peck. John Bassett Moore, ed., *The Works of James Buchanan*, Vol. II, p. 28 (J.B. Lippincott Co., *Philadelphia, 1908*).

19. Lawless listed errors, eighteen of them, in summary fashion, saying that developed reasoning on the subject was "not absolutely necessary." See "Articles of Impeachment of Judge Peck," found in *Buchanan's Works*, II, p. 45.

20. From Buchanan's speech to the Senate, January 28-29, 1831. "The Judge took off his goggles, and bound up his eyes. ... He sat upon the bench blindfold." *Buchanan's Works*, II, p. 154.

21. From Buchanan's speech to the House, April 21, 1830. *Buchanan's Works*, II, p. 31.

22. From Peck's response to Lawless' petition in the House. *Buchanan's Works*, II, p. 36.

23. Wirt's speech to the Senate, January 22-25, 1831, is found in *Gales & Seaton's Register of Debates*, 21st Congress, 2nd Session, *pp. 34-39*.

24. *Buchanan's Works*, II, pp. 82, 90, 120.

25. McDuffie's speech to the Senate, December 20-21, 1830, opening the prosecution of Peck's impeachment trial, is found in *Gales & Seaton's Register of Debates*, 21st Congress, 2nd Session, *pp. 9-18*.

26. *Gales & Seaton's Register of Debates*, 21st Congress, 2nd Session, *pp. 560-61*.

27. The language of the 1831 statute may be found currently in 18 U.S.C. §401 of the U.S. Code.

28. *Ex parte Poulson*, 19 Fed.Cas. 1205 (Cir.Ct., E.D.Pa. 1835).

29. *U.S. v. Holmes*, 26 Fed.Cas. 360, 363 (Cir.Ct., E.D.Pa. 1842).

30. Nelles and King identify 23 of 33 states in 1860 as having enacted statutes limiting the summary power of state courts to punish for contempts. 28 *Columbia Law Review* at 533.

31. Stuart's article concerned the presence of John Wentworth, one of Chicago's most well-known citizens and editor of a rival newspaper, the Chicago Morning Democrat, on the jury. Wentworth allegedly wrote articles for his newspaper while serving as a juror. The article also charged that trial judge John Pearson closed the doors of the courtroom to the public. Stuart commented as follows: "One individual suggested that the weakness of his honor's head would not admit of the noise and confusion incident to a crowd of hearers, and a proper attention to the cause, all at the same time." Stuart v. People, 3 Scam. 395, 396 (Ill. 1842).

32. 3 Scam. at 405. In an opinion announced immediately following Stuart v. People, the Illinois Supreme Court upheld a fine of $100 against Pearson, who had failed to sign a bill of exceptions in an unrelated case. People v. Pearson, 3 Scam. 406 (Ill. 1842). At the commencement of this last case, Pearson had been jailed for ten days until he made bail.

33. State v. Dunham, 6 Iowa 245 (1858). See also the unreported case of Brown and Calkins, decided by the Wisconsin Supreme Court in 1858, where a fine for contempt by publication was reversed with the simple notation, "Stuart v. People." A reference to the Brown and Calkins case may be found in State v. Circuit Court, 72 N.W. 193, 195-96 (Wis. 1897).

34. Hickey's editorial read, in part, as follows: "Having disregarded his oath of office and failed to execute the laws, Judge Coalter deserves to be hurled from a seat he desecrates, and brought as a criminal abettor of murder to the bar, to answer for his crimes." Ex parte Hickey, 4 Smedes & Marshall 751, 752 (Miss. 1844).

35. 4 Smedes & Marshall at 781-82.

36. Tenney's Case, 23 N.H. 162 (1851).

37. 28 Columbia Law Review at 534.

38. State v. Morrill, 16 Ark. 384 (1855).

39. Nelles and King, 28 Columbia Law Review at 535-36.

40. See, for example, the New York case of Barthelmy v. People, 2 Hill 248 (N.Y. 1842) -- a criminal libel prosecution where two defendants were sentenced to terms of nine months and one year and subjected to a fine of $250 for language directed at a clergyman.

41. Sturoc's Case, 48 N.H. 428 (1869).

42. In re Moore, 63 N.C. 428 (1869).

43. State v. Galloway & Rhea, 5 Cold. 326 (Tenn. 1868).

44. People v. Wilson, 64 Ill. 195 (1872).

45. 28 Columbia Law Review at 538, n. 59. For a summary of the Illinois contempt cases, see Stephen Strong Gregory, "Sidney Breese, 1800-1878," in William Draper Lewis, ed., Great American Lawyers, Vol. IV, pp. 470-73 (John C. Winston Co., Philadelphia, 1908).

46. Storey v. People, 79 Ill. 45 (1875).

47. Hake v. People, 82 N.E. 561, 568 (Ill. 1907).

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OVER

THE RISE OF THE ENGLISH-JEWISH PRESS IN AMERICA

by

Barbara Reed
Rutgers University

THE RISE of THE ENGLISH-JEWISH PRESS in AMERICA

INTRODUCTION

The Jewish press before the Civil War--a period which can be viewed as the American Jewish community's adolescence--is historically interesting as a way of viewing the efforts of a marginal ethnic group to create its own identity in a new nation. This is a revealing study, for as Mordecai Kaplan, philosopher and founder of the Reconstructionist movement within Judaism, pointed out, the American Jewish community is distinguished by its historical experience from other ethnic groups in America.

Judaism began in writings, as Jews expressed reverence for the capacity of men (and later, women) to use their greatest power, the written word, as a permanent record of their thoughts. The Jews lived under changing social and political systems and were in constant need of reformulating their laws, concepts, and social patterns, while holding true to the core concept of monotheism.[1] This dependence on their writings as a force for unity in the face of the need for constant change held true for Jews no matter from which Jewish tradition--largely a question of geographic origin--they emerged: the Ashkenazic or Sephardic. The Ashkenazic comes from a term coined to describe the German, Polish, Russian and East European Jews beginning in the Middle Ages; and the Sephardic, referred to Jews from the Iberian Peninsula and the nations surrounding the Mediterranean.[2] The two traditions held to the same religion, but varied the rituals, due to differences in environment and the fact that the Ashkenazim were isolated and persecuted, while the Sephardim largely interacted with the cultures surrounding them before persecution finally overtook them (as well as the Moslems) at the time of Columbus's voyages.

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[1] Abba Eban, Heritage, Civilization and the Jews (New York: Summit Books, 1984), pp. 17 ff.

[2] Ashkenaz is Hebrew for Germany; Sephard is Hebrew for Spain.

Jewish immigration to America is thought to have formally begun with the arrival in New Amsterdam of the ship St. Charles, in September 1654.[3] Over the next hundred years, Jewish settlements were established, consisting of small numbers of Jews, largely of Dutch and Sephardic origin. In 1740, an act of Parliament gave Colonial Jews basic political rights, including eligibility for citizenship. By the Revolutionary War, there were probably about 2,500 Jews in the Colonies.[4] The Jewish communities in America recognized that they had made a permanent transition, and began to look and act more like their neighbors, as well as to put down economic roots in their new land.

In Europe, at the end of the 18th century, Napoleon opened the ghettos, releasing significant numbers of Jews from their previous isolation. This freedom only lasted as long as Napoleon's reign, and when the Napoleonic Era ended, the Jews who had tasted freedom were forced to return to their isolated ghettos. Many had heard rumors of the new life available for Jews in America, and decided to seek it. The wave of Jewish immigration begun in 1820 continued for more than twenty-five years.[5] Yet America was in the process of considering itself a Protestant, Christian nation, since the discovery of America and the beginnings of Protestantism were contemporaneous events. Protestantism perceived itself in America as a missionary religion, and much of its missionary zeal was manifested in the publication of

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[3] The best account comes from Walter Max Kraus, ed., "The Arrival of the Saint Charles," in The Saint Charles, Vol. I (January, 1935), pp. 5-9. In several books and articles, the Saint Charles is called Saint Catarina. This error in translating the original Dutch record of sale was corrected by Samuel Oppenheim in "The Early History of the Jews In New York, 1654-1664. Some New Matter on the Subject," Publication of the American Jewish Historical Society, Vol. XVIII (1909), pp. 1-93; Morris U. Schappes, ed., A Documentary History of the Jews in the United States: 1654-1875 (New York: Schocken Books, 1976), "Unwelcome," p. 1.

[4] Ira Rosenwaike, "An Estimate and Analysis of the Jewish Population of the United States in 1790," Publication of the American Jewish Historical Society, Vol. L (1960), pp. 23-67.

[5] Ira Rosenwaike, "The Jewish Population of the United States as Estimated from the Census of 1820," American Jewish Historical Quarterly, Vol. LIII (December, 1963), p. 156.

"inspirational tracts," a number of them aimed specifically at converting the Jews.[6]

The Jewish community's response to being targeted for conversion prompted the first Jewish periodical in America, which began publication in March of 1823, and took the written form of a polemic against Christian missionary activity. This publication was called The Jew.[7] Published by a remarkable man named Solomon Henry Jackson as a solo effort, it existed to combat the widespread efforts of the Rev. Joseph Frey's American Society for Meliorating the Condition of the Jew, and its monthly magazine, Israel's Advocate. The Jew appeared monthly until March of 1825, when it folded, possibly for lack of funding, after stridently and positively defending against the ASMCJ's attacks. This first Jewish publication in America was born of the need to counter the actions of other people. The publications which followed did not begin until 1843, were more successful, of longer duration, and by definition, more influential. It is to them that one looks for information about the emerging Jewish community. These five periodicals--The Occident, The Asmonean, The Israelite, The Messenger, and The Weekly Gleaner--are studied here to determine their places in the burgeoning Jewish life in America.

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[6] David Paul Nord, "The Evangelical Origins of Mass Media in America, 1815-1835," Journalism Monographs, No. 88 (May, 1984).

[7] Tina Levitan, Jews in American Life (New York: Hebrew Publishing Company, 1969), pp. 48-9; George L. Berlin, "Solonmon Jackson's The Jew: An Early American Jewish Response to the Missionaries," American Jewish History, Vol. LXXI (September, 1981), pp. 100-28.; and Hyman B. Grinstein, The Rise of the Jewish Community in New York: 1654-1860 (Philadelphia, Pennsylvania: The Jewish Publication Society of America, 1945), p. 214. Six copies are extant, according to archivists at the American Jewish Archives, Cincinnati, Ohio, where an index to the publication, by Mark Cartun, is located.

METHODOLOGY

Content analysis has been used to study numerous questions relating to minority groups.[8] In this study, pertinent inquiries are: What were the functions of the American Jewish press in ante-bellum America? The publications under study all played important roles in the American Jewish community: what were they? What did the content deal with? Did editorials deal with the content on other pages? Did these papers and periodicals each attempt to spread new ideas in Judaism? Did they define rights, obligations, and expectations of readers--now that they were in America? These questions could be answered best by reading sample issues and recording the types of stories devoted to various subjects which, in part, answer the questions.

For this study, random numbers, using a table, were attached to every issue of every publication under study. For The Occident, a monthly, four sample months' editorials per year were content analyzed for the years 1843 through 1848; whole issues of two of those years received the same treatment. From 1849 through 1853, two years of each publication, The Asmonean and The Occident, were analyzed, plus a random sampling of editorials over four months per year. From 1854-1858, eight issues per year of the above two publications plus The Israelite were analyzed, and whole issues of two of those years. From 1857-1858, twenty-five issues per year of newspapers receiving ancillary treatment were analyzed. In all, twenty-four editorials from 1843-1848; forty editorials from 1849-1853; 120 from 1854-1858, and fifty from 1857-1858 were included in the analysis. Two papers, The Weekly Gleaner from San Francisco, and The Jewish Messenger from New York, received only ancillary treatment. The author attempted to overcome a few sampling problems. One is to ensure the sample is representative. The randomness of the sample was useful here. After a random start, the issues were gathered using the table of random numbers. Special care was taken to be sure the study could avoid distortion by, for example, using too many editorials from holiday issues. (There are so many Jewish holidays each year that the task is more difficult than it appears at first.)

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[8] Keith K. Cox, "Changes in Stereotyping of Negroes and Whites in Magazine Advertisements," Public Opinion Quarterly, Vol. XXXIII (Winter, 1969-70), pp. 603-06; Audrey M. Shuey, Nancy King, and Barbara Griffith, "Stereotyping of Negroes and Whites: An Analysis of Magazine Pictures," Public Opinion Quarterly, Vol. XVII Summer, 1953), pp. 281-87; William H. Boyenton, The Negro Turns to Advertising," Journalism Quarterly, Vol. XL (Spring, 1965), pp. 227-35; Churchill Roberts, "The Portrayal of Blacks on Network Television," Journal of Broadcasting, 1970 Vol. XV (Winter, 1971), pp. 45-53; Ronald Geizer, "Advertising in Ebony: 1960 and 1969," Journalism Quarterly, Vol. XLVIII (Spring, 1971), pp. 131-34; Bradley S. Greenberg and Sandra Kahn, "Blacks in Playboy Cartoons," Journalism Quarterly, Vol. XLVII (Autumn, 1971), pp. 557-60; Herbert C. Northcutt, John F. Seggar, and James L. Hinton, "Trends in TV Portrayals of Blacks and Women," Journalism Quarterly, Vol. LII (Winter, 1975), pp. 741-44; James E. Murphy and Donald R. Avery, "A Comparison of Alaskan Native and Non-Native Newspaper Content," Journalism Quarterly, Vol. LX (Spring, 1983), pp. 316-22; Alice E. Courtney and Sarah W. Lockertz, "A Woman's Place: An Analysis of the Roles Portrayed by Women in Magazine Advertisements," Journal of Marketing Research, 1971, Vol. VIII (February, 1971), pp. 92-95; Susan H. Miller, "The Content of News Photos: Women"s and Men"s Roles," Journalism Quarterly, Vol. LII (Spring, 1975), pp. 70-75; Roy E. Blackwood, "The Content of News Photos: Roles Portrayed by Men and Women," Journalism Quarterly, Vol. LX (Winter, 1983), pp. 710-14; Carol Ruth Newkirk, "Female Roles in Non-Fiction of 3 Women's Magazines," Journalism Quarterly, Vol. LIV (Winter, 1977), pp. 779-82; Junetta Davis, "Sexist Bias in 8 Newspapers," Journalism Quarterly, Vol. LIX (Autumn, 1982), pp. 456-60; and Paula England, Alice Kuhn, and Teresa Gardner, "The Ages of Men and Women in Magazine Ads," Journalism Quarterly, Vol. LVIII (Autumn, 1981), pp. 468-71.

Content analysis calls for the categorization of elements, and content analysis categories used in this study were adopted from the work of Marion T. Marzolf on the Danish-language press.[9] In this way, categories can be tested over time, using various publications. In Marzolf's study, and this one as well, the coders were to classify each article into one of several polynary categories (i.e., surveillance, correlation, etc.).

Content Categories

1. Surveillance of the environment: collecting useful information for the immigrant in the new society. Hard news.
2. Correlation of the parts of the society: mediating between the two cultures by interpreting the immigrant's role to him. Serving as a forum. Publishers needed to have a way of editorializing, sometimes done by letters airing their views.
3. Transmission of the social heritage from one generation to the next; passing on the older culture or the American ethnic group identity. Heritage-culture. A lesson.

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[9] Marion Tuttle Marzolf, The Danish-Language Press in America (New York: Arno Press, 1977).

4. Entertainment: amusing without regard to particular effect.
5. Assimilation experience of the ethnic group: analysis of both cultural and religious factors that aid or hinder assimilation and evaluation of the group's standing over time. Assisting the immigrant to accommodate to American life.
6. American press history: trends for the period of study, history in relation to Jewish press. Compared to ethnic press developments. Circulation notices, prospectuses, other information about publications.
7. Community building: report on other communities in a way that creates a feeling of a larger community, that enhances the feeling of "we're not just a little, isolated group." A way of pointing with pride and bolstering up.
8. Non-local hard news of the Jewish community.
9. Other (includes non-Jewish material).

Phrases were used to define categories, as opposed to complete sentences, for ease of dealing with the material. The unit of analysis was the entire article or item. The basic purpose was to determine how much coverage in x publication was devoted to y function. Three other coders, in addition to this researcher, participated. The study yielded reliability coefficients of 82 per cent, 86 per cent, and 91 per cent. Thus, the average intercoder agreement was 86 per cent, using Holsti (1969) for calculations.[10]

THE OCCIDENT

The first instrument to instill a sense of national belonging to the broadly dispersed Jews in the United States was The Occident and American Jewish Advocate. It came into being in 1843, one year after the ASMCJ began to publish The Jewish Chronicle, the successor to Israel's Advocate. Between 1825 and 1843, the Jewish community experienced enormous growth: from 4,000 in 1830 to 15,000 in 1840.[11] Further, new problems arose as Jews began to accommodate to their new home, and Isaac Leeser, The Occident's publisher, felt the need to address, on a regular basis, the issues facing the Jews inside the United States and abroad.

By the late 1820s, Jewish life in America was sterile and intermarriage widespread--not only for native-born Jews who had lived in America with their parents or even grandparents, but also for those recently arrived. The belief was rampant that Judaism could not develop in the American milieu and that it had no assigned part in the lives of the youthful immigrants booking passage to a land of freedom. Religious institutions affiliated with existing congregations were conspicuous for their inability to educate; most of their graduates were apathetic toward Jewish knowledge and had no desire to carry out customs and ceremonies. They treated with indifference or hostility efforts to confront the problems of Jewish education and adjustment.

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[10] Ole, R. Holsti, Readings in the Social Sciences (Boston, Massachusetts: Addison-Wesley, 1969).

[11] Ira Rosenwaike, On the Edge of Greatness, a Portrait of American Jewry in the Early National Period (Cincinnati, Ohio: American Jewish Archives, 1985), p. 17.

In the United States, Judaism possessed no roots. Worse, no large groups of Jews had established a pattern of living a traditional Jewish existence. Lacking a significant assemblage, Jews could only be appealed to on an individual basis. They were not conscious of the need to support and strengthen one another's practice of Judaism at home or in the communal setting of a synagogue.

There was no external force to inspire them in defense of their survival. No established church or official government body carried the banner of hatred of the Jews, a hatred that had been plaguing their kin and ancestors since the dawn of Christianity. In America, as far as legal decrees and governing principles were concerned, Jews were the same as their neighbors. Jews had not dwelled in such an atmosphere of freedom since the epoch of pre-Christian Alexandria. In the wide-open American milieu, one offering a variety of ideas and ideals, Jews could choose, on their own, to commit themselves anew to their faith, to become secular, or to become Christian.[12]

In certain respects, similar issues were faced by Western European Jews who reacted to the impact of the Enlightenment by beginning to abandon voluntarily the faith of their fathers.[13] Jewish thinkers and leaders became concerned with the losses. A number of periodicals appeared to arouse Jewish awareness, the *Allgemaine Zeitung des Judenthums* (1837), the *Israelit des Neunzehnten Jahrhunderts* (1840), the *Revue Orientale* (Brussels, 1841), and the *Archives Israelites* (Paris, 1839). Among them was *Der Orient* (Leipzig, 1839), under the aegis of Dr. Julius Furst, a professor from the University of Leipzig. The publication dealt with reports, studies, and critiques of Jewish history and literature. Contributing were statesmen, judges, and other prominent men with higher education.

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[12] Malcolm H. Stern, "The 1820s: American Jewry Comes of Age," in A Bicentennial Festschrift for Jacob Rader Marcus, ed. by Bertram Wallace Korn (New York: Ktav, 1976), pp. 539-49; reprinted in The American Jewish Experience. Edited by Jonathan D. Sarna (New York and London: Holmes & Meier, Publishers, 1986), pp. 31-37; Moshe Davis, The Emergence of Conservative Judaism: The Historical School in Nineteenth Century America (Philadelphia, Pennsylvania: The Jewish Publication Society of America, 1963).

Isaac Leeser was impressed with Furst's efforts, and appears to have fashioned his magazine, in part, after Furst's. Leeser called it *The Occident* in juxtaposition to the name *Orient* (Western-Eastern). The rest of the new magazine's title, *American Jewish Advocate*, came from what Leeser defined as his agenda.

By 1830, most Jews lived in urban areas in the United States. Almost one-third resided in two cities--New York and Philadelphia. With 203,000 people in New York, Jews numbered 1,150, or 0.6 per cent; in Philadelphia, with 161,000, Jews numbered 750, or 0.5 per cent.[14] Synagogues, however, did not experience much support. Synagogue attendance was infrequent, the Sabbath was often violated, and intermarriage plagued the community, as American Jews, free in an open environment, did not have to participate in religious practices. Publishing *The Occident* was, therefore, one way Leeser, a synagogal leader, could fully use his influence, and it may have offered rewards different from the congregational life.

Leeser's magazine, unlike Jackson's earlier periodical, went to a national audience.

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[13] For example, from 1810 to 1825, one-third of the Jewish population of Berlin converted to Christianity. From a lecture by Rabbi Marshall Meyer, B'nai Jeshurun, New York, January 1987. Bezalel Sherman, in *The Jew Within American Society--A Study in Ethnic Individuality* (Detroit, Michigan: Wayne State University Press, 1961), pp. 12-13, has it that one-sixth of Berlin's Jews converted between 1815 and 1840. This diminished only slightly after 1825.

[14] Ira Rosenwaike, *On the Edge of Greatness*..., *op. cit.*, pp. 30-33. Charleston came next, with 650 Jews in a population of 40,000, followed by Cincinnati's 140 Jews among 25,000 people.

Indeed, The Occident even reached a modest number of persons abroad.[15] The subscription list grew as Jews moved across the United States to the Pacific. Soon, Jews everywhere relied on Leeser's Occident alone to bring them news of Jewish concerns. Leeser sought to cover whatever could advance the cause of Judaism and promote the true interests of the Jewish people. In the discouraging, unpromising, and unsettled Jewish community, Leeser helped American Jews achieve a feeling of shared experience and expectation, of laboring in the present and confronting the future--but together. He wanted to secure the survival of the Jewish community.[16]

Leeser declared he would publish in The Occident articles offering something instructive. His burning concern was to upgrade Jewish education. If necessary, he would resort to material from other, inaccessible publications or to translations of Hebrew, French, or German works. Controversial articles appeared, too.[17] He offered to provide news of public religious meetings and of societies, as well as debates, essays, and articles on religion, Jewish history, fiction, and poetry, and news of American and foreign Jewish congregations. Thus, the publication had the variety of information and entertainment necessary to fit the definition of a magazine; it was a storehouse of news from the Jewish community.[18]

The most important issues on Leeser's agenda were to defend Judaism against onslaughts of missionaries (who resumed strong efforts to convert Jews in the early 1840s), as well as other forms of national anti-Semitism; to champion the cause of Jews abroad; to combat intermarriage and apathy in the Jewish community, and--more generally--to secure "a place in the sun" for American Jewry. Leeser's magazine entered strongly into the defense against such "Christian" fixtures as Sunday "blue" laws and the proclamation of Thanksgiving in the name of Jesus Christ.[19]

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[15] The Occident, Vol. II, No. 12, March, 1845, p. 6l6.

[16] Ibid., Vol. I, No. 7, October, 1843, pp. 317.

[17] Ibid., Vol. I, No. 1, April, 1843, pp. 4-5.

[18] Ibid., Vol. I, No. 10, January, 1844, p. 512. "Let the [ASMCJ's] Jewish Chronicle appear on the 15th so we can reply to him [the Rev. Joseph Frey]--as it is now, he goes to press on the 1st, chooses to make remarks on our work, it will be two months before we can offer the necessary corrections." Therefore, Leeser's publication must have come out on the first.

Because he recognized he had to strengthen American Jews' commitment to Judaism, Leeser devoted time and space to belaboring intermarriage, to stressing the need to keep the Sabbath and the dietary laws, and to encouraging such religious observances as the ritual practices for burying and mourning the dead.[20] He wanted to stir people, to educate them as Jews and to cause them to strengthen their children's spiritual welfare in the majority Christian society.[21] The Occident also made an effort to strengthen the weak organization inherent in the Jewish community.[22]

At the end of 1848 and at the beginning of 1849, the pace accelerated for social change. More Jewish immigrants were arriving, and many of the newcomers, particularly from German-speaking areas, brought with them a new Judaism, alien and threatening to the traditional Orthodox Jew. In September of 1844, in an article entitled "The Reform Agitation," Leeser had confronted a major new force for disunity in the Jewish community, the Reform movement.[23]

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[19] Ibid., Vol. I, No. 2, May, 1843, p. 103; ibid., Vol. I, No. 1, April, 1843, p. 102; ibid., Vol. I, No. 3, June, 1843, p. 146; ibid., Vol. XV, No. 9, December, 1857, p. 435.

[20] Ibid.,Vol. VIII, No. 2, May, 1850, p. 116; ibid., Vol. XI, No. 1, April, 1853, p. 1; ibid., Vol. II, No. 12, March, 1845. See "Intermarrying with Gentiles," Mr. Simeon Abrahams's letter and Leeser's remarks, pp. 585-88; ibid., Vol. II, No. 11, February, 1845, p. 539; ibid., p. 543, and Schappes, op. cit., p. 179 and notes at the end of the volume.

[21] Ibid., Vol. I, No. 9, December, 1843, p. 413.

[22] Schappes, op. cit.,"The Damascus Blood Libel," "English Opinion on the Damascus Affair," "Our State Department and the Damascus Affair," "American Jews and the Damascus Affair," and "Minister's Report on the Damascus Affair," pp. 200-15.

[23] Ibid., Vol. II, No. 6, September, 1844, pp. 283 ff. Reform took its cues from German newcomers who had been exposed to modifications, structured by graduates of universities in German-speaking Central Europe. To them, simply put, Reform was a revolt against the unquestioning authority of the past. Not only were preaching in German and services with

Leeser never abandoned his efforts to adapt traditional Judaism to American culture. His magazine became a major vehicle to propose, to ensure, and to comment upon the growth of community institutions. From its pages, and for 25 years, Leeser helped organize and unify the community, heaping praise on individuals or various community groups, and making Jews, widely scattered across the continent, aware of each other.

With The Occident, Leeser attempted to reach members of far-flung Jewish communities throughout the country. Yet his magazine made, at most, a modest impact on Jews who needed information and inspiration. Also, he lived in Philadelphia, a large Jewish center but one which stood in the shadow of New York's larger Jewish population, who needed their own organ. Last, he represented a Sephardic synagogue, with its traditional customs and ceremonies, while the preponderance of those who arrived in the late 1840s were Ashkenazic, and a significant number were from places where Reform had made an impact.

Two weekly Jewish publications were established in 1849 to answer the needs of Jewish New Yorkers. Israels Herold, the first (historically of minor interest), in German, began publication on March 30, with Isidor Bush as editor.[24] Bush's weekly was highly philosophical in tone, and, therefore, it failed to reach a large number of people, to form a cohesive audience, at a time when American Jews possessed neither a broad general education nor even a proper Jewish one. The publication died of indifference. However, Bush did obtain work from the most important thinkers in Europe, and his American contributors included the leading lights of American Reform. Bush was supported in the production of his

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decorum the mode, but the concept of the absolute revelation of the Law (by God to Moses) no longer held sway. They questioned many of the sacred precepts and basic practices of traditional Judaism, such as Sabbath observance, dietary laws, and close identification with other Jews. They did not believe in a personal messiah, although they did subscribe to a messianic era of brotherhood and peace. Instead of hallowing the Sabbath, they believed in celebrating the day of rest and communal gatherings on Sunday, the day observed by the majority. Some leaders even sanctioned intermarriage between Jews and other monotheists.

[24] The American Jewish Archives has a card catalogue of the contents of Bush's paper. An excellent description of the publication is by Guido Kisch, "The First Jewish in New York," Historia Judaica, Vol. II (October, 1940), pp. 65-84.

paper by members of B'nai B'rith, a fraternal organization begun in New York in 1843. However, after three months, with the twelfth issue, he gave up. The short-lived publication is, therefore, notable only as a curious attempt, in response to a recognized need, by an unrealistic man.

THE ASMONEAN

The second Jewish weekly begun in 1849 was The Asmonean,[25] in English, edited by Robert Lyon, then almost forty years of age and a U.S. resident for five years. When The Asmonean began, its only competition was The Occident. While Lyon had no experience publishing a paper, he believed his friendships in the Hebrew Benevolent Association and congregational memberships would help him secure many contributors to his enterprise. Financial support would depend on circulation and advertising, although Lyon acknowledged his paper had a patron, perhaps New York newspaper publisher Mordecai Manual Noah.[26] The paper was intended originally for the Jewish population of New York City, but later went throughout the country.[27]

Lyon apparently was active civically and politically.[28] He had connections to political figures locally and nationally, including Henry Clay, General Lewis Cass, and Daniel Webster. In partnership with a man named John Hillyer, Lyon in March of 1852 started the New York Mercantile Journal, another weekly, this one focusing on business.[29]

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[25] Hyman Grinstein, "The Asmonean: The First Jewish Weekly in New York," Journal of Jewish Bibliography, Vol. I (April, 1939), pp. 62-71.

[26] The Asmonean, Vol. V, No. 10, December 26, 1851, p. 92: "...he [the patron] is far too liberal to entrench upon our rights; he knows his position; and though grateful for the aid rendered, we here publicly acknowledge it; for his council [sic] has been readily given when sought by us, but wise and intelligent, he never intrudes an opinion unasked."

[27] The Asmonean, Vol. I, No. 1, October 26, 1849, p. 1.

[28] The New York City Directory of 1840-41 lists Lyon's occupation as assistant city inspector with an office at City Hall.

[29] Lyon announced that he and John Hillyer would publish every Tuesday and Friday

Lyon intended to promote a congregational Union of Israelites of the United States. He also wanted to disseminate information about or relating to the Jewish people. All foreign and domestic news would receive ample coverage, "up to the latest moment prior to going to press." Lyon also promised to comment on events "temperately." But the most important reason to publish was for "a Unity of action between the learned and the philanthropic of Israel."[30] He sought to diffuse "amongst our brethren a better knowledge of principles of the Jewish faith."[31] He made arrangements for correspondents and sought to find them in each section of the country, although he never could pay them for their contributions, despite the fact that the paper appeared to be financially sound throughout its lifetime.

Politics occupied a significant place in The Asmonean. In the 1850s, the paper opposed Know-Nothingism and in 1856, it supported James Buchanan for the Presidency and Fernando Wood for Mayor of New York.[32] It may very well be that periodic advertisements from Tammany Hall and the City of New York had much to do with The Asmonean's forthright political statements and bias toward the Democrats.[33] Corporate notices from the city of New York ran in The Asmonean, as did city ordinances.[34]

However, Jewish communal and foreign news, or "intelligence" as it was called, was probably the main drawing card of The Asmonean. Additionally, some news of a general

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afternoon. Called The New York Mercantile Journal and Financial Recorder, it would be devoted to "the financial insurance and commercial interests of America." See The Asmonean, Vol. V, No. 21, March 12, 1852, p. 1; and ibid., No. 23, March 26, 1852, p. 225.

[30] Ibid, Vol. I, No. 1, October 26, 1849, p. 1.

[31] Ibid.

[32] Editorial endorsements of Buchanan, John C. Breckenridge (for Vice President) and Wood (for Mayor and then Governor) ran in every issue from Vol. 14, No. 15, July 25, 1856, p. 116, to Vol. 14, No. 29, October 31, 1856, where a column was devoted to a state-by-state tally of electoral votes.

[33] In ibid., Vol. XVII, No. 5, November 13, 1857, he endorsed individuals for local elections, the city and county races.

[34] Ibid., Vol. VI, No. 21, September 10, 1852, p. 199.

nature, an occasional story, book reviews, letters to the editor, editorials, and translations and excerpts from other journals filled the reading columns. This kind of community news included the participation of Jews as chaplains in legislative bodies.[35]

The Asmonean carried numerous items of special note to synagogues and societies of New York and elsewhere. However, most seem limited to influential organizations, especially those advertising on occasion for a hazzan or a Hebrew teacher. Unlike other editors up to this time, Lyon printed editorial material of a non-Jewish nature and reprinted from all kinds of sources, both foreign and domestic. He may be thought to have wanted to place his paper in the larger societal context.

Lyon offered Isaac Mayer Wise a "department" in the columns of The Asmonean, to be called "Theology and Philosophy" beginning September 10, 1852.[36] Wise's connection to the paper, as well as Lyon's independent journalism, enabled The Asmonean to obtain support from Reform Jews, those alienated from Leeser's magazine because of its uncompromising orthodoxy in tone and content. Yet Wise knew that Reform Judaism could not occupy center stage in his contributions to Lyon's paper. He had to reach and communicate with readers of various types, and one suspects that Lyon, who saved the last word for himself, would never have allowed Wise to turn The Asmonean into a party organ. Wise tried, nevertheless, to create a favorable climate for Reform.[37] Most of the information about Reform in The Asmonean was printed during the time Wise wrote. He wrote frequently and at length about this seeming obsession; sometimes the connection was not evident.[38] Wise's last regular contribution in The Asmonean appeared April 5, 1853.[39]

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[35] Ibid., Vol. VI, No. 25, October 8, 1852, p. 247; and ibid., Vol. V, No. 15, January 30, 1852, p. 133.

[36] Ibid., Vol. VI, No. 21, September 10, 1852, p. 199.

[37] Ibid., Vol. VII, No. 25, April 12, 1853, p. 195.

[38] Ibid., Vol. VIII, No. 22, September 16, 1853, p. 176.

[39] Lyon acknowledged their mutual respect and friendship. Ibid., Vol. VII, No. 25, April 12,

In general, The Asmonean attempted to remain independent in the raging controversy of the time, Orthodoxy vs. Reform, since one of Lyon's goals was to use the magazine to promote Jewish unity. However, Lyon inserted much information on Reform Judaism. The Orthodox view continued to be represented, and Lyon himself remained an Orthodox Jew, but his own views seemed to be more along Reform lines. In his quest to use his publication as a vehicle for establishing unity, at first among New York's diverse Jewish population and later nationally, Lyon called for a statistical census of the Israelites in the United States, for the population of Jews increased immensely within a few years.[40] Lyon spoke out: He wanted unity and peace.[41] Yet the most significant division in the Jewish community at that time--and, indeed, to the present day--has been the conflict between Reform and Orthodox which Lyon recorded and reported on. Throughout the coverage, however, he maintained strict independence, as was his pledge, never taking sides.

Like The Occident, The Asmonean devoted space to other Jewish issues of the day, including the contemporary debate on Jewish burials and cemeteries, the defense of Jews when they were attacked in the secular English-language press, the ongoing effort to counteract the influence of Christian missionaries, and the persistent honoring of Thanksgiving as a Christian holiday.[42]

1853, p.195.

[40] Ibid., Vol. I, No. 8, December 14, 1849, p. 57.

[41] Ibid., Vo. II,, No. 25, October 11, 1850, p. 196.

[42] Ibid., Vol. VII, No. 8, December 10, 1852, p. 89; ibid., Vol. VII, No. 26, April 15, 1853, p. 305; ibid., Vol. VII, No. 3, May 6, 1853, p. 25; ibid., Vol. XIV, No. 9, June 13, 1856, p. 68; ibid., Vol. V, No. 24, April 2, 1852, p. 241; ibid., Vol. V, No. 19, February 27, 1852, p. 181; ibid., Vol. IV, No. 1, April 25, 1851, p.3; ibid., Vol. IV, No. 2, May 2, 1851, p. 12; ibid., Vol. II, No. 17, August 16, 1850, p. 132, ibid., Vol. I, No. 25, April 12, 1850, p. 196; ibid., Vol. IV, No. 8, June 13, 1851, p. 60; ibid., Vol. VI, No. 25, October 8, 1852, p. 247; ibid., Vol. VI, No. 12, July 8, 1852, p. 96; ibid., Vol. VI, No. 6, May 28, 1852, p. 44; ibid., Vol. II, No. 8, June 14, 1850, p. 62; ibid., Vol. VII, No. 7, December 3, 1852, p. 79; ibid., Vol. II, No. 6, December 7, 1849, p. 53; ibid., Vol. V, No. 4, November 14, 1851, p. 42; ibid., Vol. VII, No. 11, December 13, 1852, p. 125; ibid., Vol. II, No. 19, August 30, 1850, p. 148; ibid., Vol. VII, No. 3, November 5, 1852, p. 29; ibid., Vol. II, No. 5, November 19, 1854, p. 53; ibid., Vol. III, No. 14, January 24, 1851, p. 110; ibid., Vol. III, No. 15,

Lyon appealed to a wider audience than did his contemporaries with their publications, and as a result his paper attracted advertisers. And he sought to make Jewish readers more American by providing knowledge about the country they now lived in and how it operated.[43] He led the fight for a Jewish hospital based on democratic practices and for the establishment of an orphan asylum. He aggressively promoted his advertisers, although some advertisements smacked of bad taste, quackery, and sensationalism. Certainly The Asmonean looked like the most financially successful Jewish publication of the era.

Lyon died in 1858 and, unfortunately, his publication died with him, although for weeks after his death his widow pleaded for someone buy into the paper or at least take it over.[44]

THE ISRAELITE

Isaac Mayer Wise, founder of The Israelite, is perhaps the dominant--certainly the best known--personality of early Jewish journalism in the United States.[45] Wise, who emigrated

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January 31, 1851, p. 116; ibid., Vol. III, No. 20, March 7, 1851, p. 20; ibid., Vol. V, No. 6, November 2, 1851, p. 60; ibid., Vol. III, No. 17, February 14, 1851, p. 13 ; ibid., Vol. III, No. 17, February 14 1851, p. 132; ibid., Vol. VI, No. 6, May 28, 1852, p. 44; ibid., Vol. III, No. 14, January 24, 1851, p. 108; ibid., Vol. VI, No. 17, August 13, 1852, p. 149; ibid., Vol. VI No. 19, August 27, 1852, p. 173-74; ibid., Vol. III, No. 16, February 7, 1851, p. 124; ibid., Vol. VII, No. 3, November 5, 1852, p. 29; ibid., Vol. VII, No. 5, November 19, 1852, p. 53; ibid., Vol. III, No. 21, March 14, 1851, p. 164; ibid., Vol. V, No. 18, February 20, 1852, p. 170.

[43] For example, The Asmonean, Vol. VI, No. 13, July 16, 1852, p. 105.

[44] Ibid., Vol. XVII, No. 23, March 19, 1858, p. 180; ibid., No. 24, March 26, 1858, p. 188; ibid, No. 25, April 2, 1858, p. 196; ibid., No. 26, April 9, 1858, p. 204; ibid., Vol. XVIII, No. 1, April 16, 1858, p. 4; and ibid., No. 5, May 14,1858, p. 36. (Numbers 2, 3, and 4 were missing.)

[45] Biographical information on Wise abounds. His own Reminiscences (Cincinnati, Ohio: Leo Wise & Co., 1901) appeared soon after his death. The longest biography of Wise was written by his grandson, Max Benjamin May, Isaac Mayer Wise--Founder of American Judaism. A Biography (New York: G.P. Putnam's Sons, 1916). A short biography is included in David Philipson and Louis Grossman, eds., Selected Writings of Isaac Mayer Wise (Cincinnati, Ohio: The Robert Clarke Company, 1900; reissued ed. by Arno Press and The New York Times, 1969). His influence on Reform is gleaned from the Year Book of the Central Conference of American Rabbis; especially when he was president, 1889-1900; as well as the Proceedings of the Union of American Hebrew Congregations. Joseph H. Gumbiner wrote Isaac Mayer Wise, Pioneer of American Judaism (New York: Union of American

to America in 1846, wrote two lectures about Reform Judaism and saw one published in The Occident, accompanied by some notes from the angered editor, Leeser.[46] A correspondence then took place between the two men, and Wise seems to have realized he could achieve change through a publication. Jewish immigrants needed, Wise thought, a feeling of solidarity with their fellow Jews of all kinds. This would assist the Jewish immigrants in adapting to their new land, while increasing their resistance to making concessions to the majority culture. It would also help them to remain a distinctive ethnic and religious group and to perpetuate Judaism. But Wise alienated different factions opposed to him, although he had gotten his wish--an organ to disseminate his views.

Wise moved to Cincinnati, the pioneer city of the West and which became the pioneer city for Reform Judaism as well.[47] The Queen City sprang to maturity in a single generation, largely because of the Ohio River, which served as the main route of travel in the area. In 1840, the census figures showed a population of 46,338; and it grew 149 per cent to 114,435 by 1850.[48] The initial group to make up Cincinnati's Jewish community came from England,

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Hebrew Congregations, 1959) for high school students. Articles on Wise appeared regularly (partial listing): "After 100 years, Isaac Mayer Wise in the West," American Jewish Archives, Vol. VI (January, 1954), pp. 14-15; Melvin Weinman, "The Attitude of Isaac Mayer Wise toward Zionism and Palestine," American Jewish Archives, Vol. III (January, 1951), pp. 3-23; Martin Ryback, "The East-West Conflict in American Reform Judaism," American Jewish Archives, Vol. IV (January, 1952), pp. 3-25; Sefton D. Temkin, "Isaac Mayer Wise and the Civil War," American Jewish Archives, Vol. XV (November, 1963), pp. 120-42; Joseph Gutmann, "Watchman on an American Rhine: New Light on Isaac M. Wise," American Jewish Archives, Vol. X (October, 1958) pp. 135-44; and Isaac Mayer Wise, "World of My Books," translated by Albert Friedlander, American Jewish Archives, Vol. VI (June, 1954), pp. 107-47. Perhaps the best treatment of Wise as rabbi, teacher, and guiding spirit of Reform is the two-volume Sefton Temkin biography, Isaac Mayer Wise, (unpublished Ph.D. dissertation, Hebrew Union College, Cincinnati, Ohio, 1964).

[46] Wise, Reminiscences, op. cit., pp. 55-56; The Occident, Vol. V, No. 2, May 1847, p. 109-10, and ibid., Vol. V, No. 3, June 1847, p. 158.

47 Charles Frederic Goss, Cincinnati: The Queen City, 1788-1912, Vol. II (Chicago, Illinois: The S. J. Clarke Publishing Co., 1912), p. 21; Jack Cronin, "Cincinnati," Museum Echoes (Columbus, Ohio: Ohio State Archaelogical and Historical Society), Vol. XXVI, No. 2, Serial No. 286 (February 1953), p. 12.

[48] Cronin, op. cit. By contrast, Cleveland was a town of 17,034 in 1850.

and the immigrants arrived between 1820 and 1830; with them came a few Dutch and French Jews.[49] By 1840, there were two congregations.

The congregation K'hillah K'dosha Bene Yeshurun brought Wise to Cincinnati, and Wise's goal of creating a palatable Judaism for American Jews seemed within reach, at least in Cincinnati. But an articulate voice to speak to the larger public of Reform Jewry had yet to be established, and The Israelite became that voice. In May of 1854, a month after assuming the Cincinnati position, Wise decided to establish a Jewish weekly and secured a Christian publisher, Charles F. Schmidt and Company.[50] Wise chose the name "Israelite" to avoid the connotations of the word "Jew." Indeed, he sought to withdraw as far as possible from the painful and belittling connection. "Israelite" was pure, a new term for Jews in a new land. The non-Jewish community would see this term as identifying a different kind of Jew, a modern Jew.

For the masthead of The Israelite Wise chose Hebrew letters forming the words Y'he Or (Let There Be Light). Light is the symbol of learning, understanding, and reason; it is not restricted to a selected class of people but is the property of all. It came to mean illumination as well as interpretation in The Israelite. The first issue bore the date July 15, 1854, and from then on, every Friday afternoon saw a new issue of The Israelite. The Israelite compared favorably with The Occident. Leeser's magazine was serious and formal; Wise's product seemed lively and sociable. The unpolished articles in The Israelite emitted a kind of vigor.

Wise reached a large audience through his paper and exercised far-reaching influence, for he edited and published the energetic weekly for the Jewish community across the nation. But Wise faced the problems of how to reach people who were not used to reading a Jewish publication, and of opposition from ideologues of the extreme right and left, the Orthodox and the assimilated.

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[49] A significant portrait of the first Jews of Cincinnati, their subsequent settlement and development of religious organizations appeared in The Occident, Vol. I, No. 11, February 1844, pp. 547-50. Written by Joseph Jonas, the first Jew in the city, the history commenced in March 1817, when Cincinnati's population stood at 6,000, and Jonas was the sole Jew.

[50] Dr. Schmidt owned the German-language evening newspaper, Der Deutsche Republicaner, beginning in September 1842.

The Israelite came out fighting. Wise used the paper to disseminate his ideas and views on a wide variety of topics of special concern to himself and his readers. These ranged from issues of defense to unity within the Jewish community in America, surveillance to accommodation to community building. Above all, Wise wanted to ward off all attacks directed against Jews, whether intentionally or unwittingly, and to present Judaism in its true form; therefore, the teaching function was primary. He continued the fight against missionaries begun in the other publications.[51] Wise also strongly opposed the introduction of religious education into public schools. As might be expected, he spoke out strongly against a Sunday Sabbath.[52]

His polemics aimed outside the Jewish community were matched by those he addressed within the community. Wise cherished the hope for a union of American Jewish congregations; he wrote articles in The Israelite from the first about this aim.[53] To further it, Wise advocated the convoking of a conference of rabbis and laymen to address two central problems before the American Jewish community: a college and an orphan asylum. These did not exhaust the list of tasks facing American Jews; a need for textbooks and numerous other instruments of education and worship also existed. In 1855, he organized a conference in Cleveland, which proved disastrous to all American Jewry, and Wise found himself caught between the Orthodox, who felt the conference had not shown itself sufficiently traditional, and the new radicals. The leadership was completely splintered and ill-suited a community in need of unity. Wise became the focal point of criticism, although other reformers came in for abuse, too.[54] Wise did fight back in The Israelite, consistently attacking anyone who contradicted him, be it the Orthodox camp or the radical. Still, the conference, as a means of uniting American Jewry, simply died, repudiated by both the Orthodox and the Reform.[55] Wise also promoted the creation of a college association but failed to establish the institution he desired, and he co-authored Minhag America, a prayerbook for the U.S. Jewish community.[56]

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[51] The Israelite, Vol. I, No. 5, August 11, 1854, p. 3; ibid., No. 6, August 18, 1854, p. 44; ibid., No. 7, August 25, 1854, p. 52; ibid., No. 9, September 8, 1854, p. 68; ibid., No. 11, September 22, 1854, p. 85; ibid., No. 20, November 24, 1854, p. 158; ibid., No. 22, December 8, 1854, p. 173; ibid., No. 26, January 5, 1855, pp. 204-05; ibid., No. 27, January 12, 1855, p. 212; ibid., No. 29, January 26, 1855, p. 229; ibid., No. 34, March 2, 1855, pp. 268-69; ibid., No. 40, April 13, 1855, p. 316; ibid., No. 46, May 25, 1855, p. 364; ibid., Vol. II, No. 3, July 18, 1856, p. 12; ibid., Vol. III, No. 4, August 1, 1856, p. 29; ibid., No. 12, September 26, 1856, p. 92; ibid., Vol. IV, No. 15, October 16, 1857, p. 116; ibid., No. 29, January 22, 1858, pp. 228-29; ibid., No. 27, May 28, 1858, P. 372; ibid., Vol. V, No. 5, August 6, 1858, pp. 37-38.

[52] Ibid., Vol. III, No. 3, July 25, 1856, p. 22; ibid., No. 51, June 26, 1857, p. 404; ibid., No. 19, November 14, 1856, p. 148.

[53] Ibid., Vol. IV, No. 5, August 7, 1857, p. 33; ibid., Vol. IV, No. 6, August 14, 1857, p. 41; ibid., Vol. IV, No. 10, September 11, 1857, p. 76.

Wise was a major figure in the ante-bellum Jewish community because he struck out boldly but with a sense of responsibility. Through his weekly newspaper, whose readership stretched from coast to coast and throughout the Middle West, Wise saw an opportunity to help build the fledgling Jewish community, whose needs he sensed.

THE MESSENGER

There are two additional publications founded in the 1850s which merit attention--The Jewish Messenger of New York and The Weekly Gleaner of San Francisco.

The Messenger was founded by Samuel Myer Isaacs (known as S. M. Isaacs), who was a well-known writer on the subject of Orthodoxy and the need for Jewish education in both The Occident and The Asmonean. Isaacs was 35 years old when he arrived in the United

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[54] Ibid., Vol. I. No. 35, March 9, 1855, p. ; ibid., Vol. II. No. 25, December 28, 1855, p. 204; ibid., Vol. II, No. 12, September 28, 1855, p. 92; ibid., Vol. II, No. 16, October 26, 1855, p. 132; and ibid., Vol. II, No. 17, November 2, 1855, p. 140; ibid., Vol. II. No. 18, November 9, 1855, p. 148; ibid., Vol. II, No. 18, November 9, 1855, p. 148; Wise, Reminiscences, op. cit., pp. 313-15.

[55] Wise, Reminiscences, op. cit., p. 317.

[56] It was used by congregations in the United States for almost forty years. Also, Wise, "World of My Books," op. cit., p. 23.

States in 1839.[57] He became a synagogal leader at two congregations; at the time, approximately 7,000 Jews comprised the community.

Isaacs personified the kind of religious leader who put aside personal needs--as well as those of his family, which consisted of his wife and five sons--to participate strongly in community life, in philanthropic, social, and political ways. As a result, he became a leading figure in the New York Jewish community.[58] Isaacs recognized the responsibility of all Jews for their less-fortunate cousins. He allowed politically directed activities in his synagogue, and he took the lead in aiding Palestinian Jews in need.[59] He also helped establish the North American Relief Society, serving as its treasurer.[60] Moreover, by the late 1850s, the burial society at his synagogue was open to Jews who were not members of the congregation, an innovation which has not fully caught on in today's synagogues.

Though Isaacs is credited as founder of The Messenger, it began as a student effort, and it pronounced itself independent of any single viewpoint. As Isaacs put it, The Jewish Messenger "is for all that is good in Judaism."[61] The first issues, which commenced on January 2, 1857, were published as a fortnightly tabloid with the stated purpose of serving the Jewish community--any profit would be given to charity, the editors pledged. Isaacs wrote lead articles and editorials.[95] He stated that the objects of the newspaper were, first, "to improve and edify"; and secondly, "to encourage young students to write original vehicles and translate themes from other languages." "Course...," the philosophy at the newspaper, which was repeated often during The Jewish Messenger's existence, contained five points: "to improve mind and morals; to be made with glorious patriotism; to disseminate Truth; to discuss religion; and other patterns calculated to benefit Israel." The paper's principle was first, last, and always, "based upon strictest orthodoxy [sic]."[97]

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[57] The only biographical information about Isaacs comes from Encyclopaedia Judaica, Vol. IX, Columns 38-40 (New York: Macmillan, 1971); E. Yechiel Simon, "Samuel Meyer Isaacs: a 19th Century Jewish Minister in New York" (unpublished PhD thesis, Yeshiva University, 1974), and tidbits from Hyman Grinstein, The Rise of The Jewish Community of New York, op. cit.

[58] The Occident, Vol. III, No. 6, September 1845, p. 301; ibid., Vol. III, No. 8, November 1845, p. 367; ibid., Vol. IV, No. 12, March 1847, p. 614; The Asmonean, Vol. V, No. 11, January 2, 1852, p. 101; The Occident, Vol. IX, No. 1, April 1853, p. 77.

[59] Grinstein, The Rise of The Jewish Community of New York...op. cit., pp. 440 ff.

[60] This organization came up with the unique idea of raising funds and using the interest annually to aid the Jewish poor of Jerusalem.

[61] This philosophy changed. By 1878 its editorial said, "There were times when it took perhaps too narrow a view on men and things. There were years when we permitted ourselves to be associated with one phase of Judiasm. To recognize the modern spirit with the ancient law is the task before us."

At the end of the first year of publication, an editorial stated that The Jewish Messenger "would not meddle in politics," nor allow "personalities or objectional [sic] sentiments" to creep into the newspaper.[62] These principles did not stop the paper from expressing its vehement opposition to the Reform movement in general and to Isaac Mayer Wise in particular. Thus, although the literary section of the paper was wide and varied--it contained poems, essays, original articles and translations, fiction and non-fiction, serials, complete stories, religious and secular articles, many debatable issues, editorials, letters to the editor, news reports, and special features--Isaacs used the newspaper to promulgate a strong defense of Orthodoxy.[63]

Isaacs fostered many community projects in The Messenger. The independent paper battled wrongs great and small. The Reform movement in general, and Wise in particular, were subjects of disagreement. "Isaacs...was perhaps the most active New York leader in his opposition to Reform."[64] Nevertheless, Isaacs, the Orthodox Jew, and his Orthodox paper tried to be fair by advertising Wise's lectures and reviewing them.

Despite his traditionalism, Isaacs was responsive to expressed needs for improving the services. He offered a means of saving Judaism in the United States.[65]

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[62] The Jewish Messenger, Vol. 2, No. 13, December 18, 1857, p. 100.

[63] Ibid, Vol. 1, No. 1, January 2, 1857, p. 4.

[64] Grinstein, The Rise of the Jewish Community in New York, op. cit., p. 366.

THE WEEKLY GLEANER

The Weekly Gleaner was the Jewish editorial link on the West Coast. The far western states hosted Jewish peddlers and small merchants. In almost every town of any size, a merchant of the Jewish faith could be found, but the most important settlement of Jews, west of St. Louis, was in California. By the end of 1852, almost a quarter of a million persons had been lured to the state of California; most went to San Francisco, which was a wide-open town, with saloons, prostitution, gambling, drinking, and street brawling. There was crime in the streets; murder was common; justice rarely prevailed. Rats and other vermin infested the town. At least six citywide fires devastated the area during the Gold Rush.[66]

The Jews became a stabilizing, civilizing influence on the frontier society then in existence, for Jews rarely drank to excess or overstepped the law. Jews were culturally active in social clubs, the benevolent society, hospital, and old age home. They were also active in civic affairs, ranging from the vigilante committee and the volunteer fire department to the city's opera house and theaters. Politically they were active as well, becoming judges, state assemblymen, and other local office holders.

Julius Eckman, who in 1857 was to become publisher of The Weekly Gleaner, became San Francisco's first congregational rabbi, arriving July 1, 1854.[67] Born in 1805, he emigrated to the United States in 1846. While Eckman saw the logic of some reforms, on the whole, he practiced and preached Orthodox Judaism, and his frontier congregation did not agree with him. Only two months after he began his San Francisco pulpit, the feuding started between the rabbi and the old guard of the congregation; very quickly, he needed a new occupation.

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[65] First, the synagogue must be conducive to prayer--decorous and dignified; second, the children should be better educated; and third, the pulpits must be filled by well-learned ministers who speak the vernacular. He felt that he was conserving a traditional Orthodox faith in the United States. Isaacs was uncompromising on the question of observance, which he based on the divine purpose of good deeds to unite the Jewish people. The Jewish Messenger, Vol. VI, No. 9, September 2, 1859, p. 68 ; ibid, Vol. III, No. 4, February 12, 1858, p. 28; ibid, Vol. III, No. 10, May 7, 1858, p. 77.

[66] John P. Young, Journalism in California, (San Francisco, California: San Francisco Chronicle Publishing Co., 1915); Edward C. Kemble, A History of California Newspapers, 1846-1858 (Los Gatos, California: Talisman Press, 1962).

[67] Information about Eckman can be found in Robert E. Levinson, "Julius Eckman and the Weekly Gleaner: The Jewish Press in the Pioneer West" in A Bicentennial Festschrift for

As early as 1852, The Occident carried a note about the need for a journal on the West Coast.[68] One short-lived publication called The Voice of Israel appeared in 1856.[69] Then Eckman answered the need beginning January 16, 1857, with The Weekly Gleaner. He enumerated seven categories he would cover: Biblical and Jewish antiquities, Eastern travel, illustrations, education, juvenile department, domestic economy, and general news. His columns were open to all, he proclaimed.[70] He had a mission with the paper as well. He wanted to reach the scattered Jewish communities up and down the coast with competent educational literature. His editorials were few, and as a polemicist he was a failure, but his essays and sermons were numerous. He opposed radical reform and battled with local Christian speakers. Eckman was confident of the Jewish people's great future in America and was exceedingly idealistic in his attitude toward other faiths.

Jacob Rader Marcus, Bertram W. Korn, ed. (New York: Ktav: 1976), pp. 323-40; Jacob Voorsanger, "Julius Eckman," in Chronicles of Emanu-El (San Francisco, California: George Spaulding and Co., 1900), pp. 141-51; Sefton David Temkin, "Julius Eckman," Encyclopaedia Judaica (Jerusalem, Israel: Macmillan, 1971), VI, Cols. 357-58; Reva Clar and William M. Kramer, "Julius Eckman and Herman Bien: The Battling Rabbis of San Francisco," in three parts, Western States Jewish Historical Quarterly, Vol. XV, No. 2, January 1983, pp. 107-30; ibid., Vol. XV, No. 3, April 1983, pp. 232-53; and ibid., XV, No. 4, July 1983, pp. 341-59.

[68] The Occident, Vol. X, No. 7, October, 1852, p. 366.

[69] The initial effort appeared dated October 3, 1856. No copies are known to be available, although its presence was noted in The Alta California of October 11, 1856, p. 2. The Asmonean, Vol. XV, No. 24, March 20, 1857, p. 180, reported that the Voice of Israel circulated 2,000 copies.

[70] Ibid., Vol. II, No. 24, June 25, 1858, p. 4.

In spite of Eckman's continual pleas, he ran out of money.[71] While it was published, Eckman's Gleaner appeared every Friday and became a highly influential journal in the western states, circulating along the entire Pacific coast, boasting Christian as well as Jewish readers.[72]

A COMPARATIVE CONTENT ANALYSIS

Comparing the content analyses of the various publications shows that their roles did and did not change over time. While the Jewish press began strictly for purposes of defense, it quickly incorporated other functions. Beginning with Leeser's Occident, the Jewish press became a community builder and teacher. Lyon added to the idea of publishing a Jewish organ with information of a non-Jewish nature that would appeal to others besides Jews and, therefore, would broaden his circulation base. Wise did not use non-Jewish material in The Israelite, but he made his publication his soapbox, campaigning relentlessly for Reform. Isaacs wanted a showcase for young talent, included non-Jewish material, and represented an Orthodox point of view in conducting a local paper. Eckman's effort on the West Coast can be seen as regional in scope, although it faithfully covered events and issues of interest to the local community. In addition, its non-Jewish items consisted of practical advice, unattributed, for the good health and moral welfare of readers.

Lyon covered the performing arts thoroughly. The moral impact did not receive attention; only the quality of the artist was discussed. Announcements of artists coming to the United States could be seen in The Asmonean also, alone among the Jewish press. The Israelite advertised both theater and opera. Wise urged attendance, as did Lyon, and then told readers with some delight of the large audience in attendance.

Lyon also covered the burial issue as a local issue. The commercialization of burial practices then developing in urban areas had been a subject of discussion in Christian papers, but not in the Jewish press. Moreover, only The Asmonean editor used his paper to alert the community of key issues in local elections, coming out to take stands on both candidates and issues.

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[71] Ibid.

[72] Norton B. Stern and William M. Kramer, "Anti-Semitism and the Jewish Image in the Early West," in The American West and the Religious Experience, William M. Kramer, ed. (Los Angeles, California: William M. Kramer, 1974), pp. 105-16.

--TABLES HERE--

While the editors, except Lyon, professed their need to educate, a composite picture of the publications, using percentages, reveals the centrality of community news to each publication's purpose, particularly by combining category 7 with category 8. Also noticeable is The Asmonean's 29 per cent non-Jewish content, followed by The Gleaner's 20 per cent. The seriousness of each publication can be seen in the lack of material in category 4, entertainment. Content analysis reveals that The Israelite had a substantial percentage, 46, for non-local Jewish community items.

The editorials show The Asmonean and The Israelite leading in category 2, correlation, with 30 and 25 per cent, respectively. A full 50 per cent of The Gleaner's editorials dealt with category 3, transmission, as did almost half The Israelite's and The Messenger's. The Occident editorialized about issues relating to accommodation, category 5, for almost half the time. The Messenger devoted nearly one-third of its editorials to accommodation issues. It also should be noted that The Asmonean had one-fifth of its editorials devoted to non-local Jewish community issues.

The publications served many functions: First, the initial publication, The Jew, by Jackson, was a staunch--although harsh and amateurish--defense against the pesty missionaries. The defense role against the dangers from the outside, hostile world in the seemingly free and friendly New World continued in all publications, though much more muted, yet more effectively. Increasingly, Leeser's Occident, Wise's Israelite, and particularly Lyon's Asmonean broadened their agendas. Indeed, the defense of the Jew from within, in all its forms and nuances, occupied in time the center stage: The main enemy became assimilation, not anti-Semitism.

Second, the main thrust of all the publications was to impart to the new immigrants an identity, an anchor of stability and communal identification. The press assisted the immigrants, particularly the first generation, to orient themselves to the new environment and share in the intellectual, political, and social life of the community. Immigrants could diminish culture shock by reading these publications, which explained problems and aired controversies.

The editors wrote loud-sounding editorials, double-leaded, so that they would be easily read. The content of the editorials was mixed, however. They did not concentrate on national or world politics, nor did they pertain strictly to local community activities. Rights, obligations, and expectations of readers were defined.

Third, the press became an educator. The editors wanted to transmit the heritage to younger people and did so through essays and discourses. While the editors all favored Americanization and basked in the new, bright light which emigration offered, they also wanted to reach young people and respond to their experiences and activities, to instill in them the ideas Judaism offered, to explain practices and the celebration of festivals and holidays, to discuss the roots of their people.

Also, the Jewish press helped the new Jewish immigrants to learn English, the language of the government and of public education. Probably two-thirds of the immigrants from the German territories did not understand English during the 1840s and '50s, but they made efforts to adjust and to contribute to American life. Undoubtedly they learned to read English, or practiced their reading of English, with these publications.

Fourth, the publications acted like windows on everyday life. The Messenger and The Asmonean included short stories, novels, articles on politics, travel, and other purely secular subjects; The Israelite ran novels by its editor; The Gleaner carried short stories and poetry for young and old alike. The publishers, especially Lyon, promoted citizenship and participation in the at-large society. They turned the eyes of the Jew outward upon the world.

Fifth, the articles in the American Jewish press assisted in the immigrant Jew's acculturation to America and to the American Jewish community. The publications also had a broad weltanschauung: articles in them often were reprints or exchanges translated from European Jewish publications. The press discussed the burning issue of the day in the Jewish community--the struggle between Orthodox practice and Reform. That issue filled The Occident, The Israelite, The Messenger, and to a lesser extent, The Asmonean, with much acrimony. The central rift in American Judaism developed over matters of religious practice, and the Jewish press became the central arena both for exposing and breaching the rift. And yet, responsible leaders like Leeser and Wise--defending nearly irreconcilable ideologies--felt compelled to seek reconciliation in the press and often to call for unity and rapprochement. New ideas in Judaism received attention regularly, while old ideas were defended.

In addition, the Jewish press defined American Jewishness, the experience of being Jewish in America. Indeed, readers came to define their Jewishness through the publications they read and to apply it in their own communities through the synagogue and other institutional structures. When yellow fever struck New Orleans, for instance, appeals from that Jewish community went to other Jewish settlements by means of the Jewish press. In a matter of weeks, sufficient sums were raised--often printed in the paper, community by community--to care for the Jewish ill and for those who were not Jews as well. On another occasion, the establishment of Jews' Hospital in New York, reported by Leeser and Lyon and picked up by Wise, sparked the movement for one like it in Cincinnati. Both Leeser and Lyon had presented cases for having Jewish hospitals; thus, the foundation was in place when Wise's publication crusaded for such an institution.

Sixth, the Jewish publications evolved and matured as commercial undertakings during the time span 1843-1858, with improved control of circulation and payments and with more effective advertising, which gradually occupied more space in the publications. Nevertheless, the publications by and large were weak financially, and the editors disregarded sound business practice. Perhaps only Lyon's paper could truly boast of financial success, although this is difficult to ascertain, for no documents from the business side exist, for any of the publications.

The distribution of the various publications locates with accuracy the principal Jewish settlements in the United States and makes it possible to indicate areas in which the influences of the Jewish immigrant group had been more pronounced than elsewhere. From the contents of the news items, it was possible to estimate the extent to which the immigrant Jews had actually taken root in the United States and accommodated to American life.

SUMMATION

The Jewish press of America was born and reared in a formative, adolescent period of American Jewry. It faced and addressed the same dangers, conflicts, and cross-currents as did the immigrants, tentatively at first, but confidently and competently with time. Through the years, it became the forum for the issues facing Jewish immigrants and communities. It also became a platform for the most illustrious and effective leaders of the fledgling Jewish community--men like Leeser, Wise, Isaacs, and Lyon--who as editors or contributors left an indelible imprint on Jewish and American life.

The press showed the personal and communal efforts of Jews as contributors and beneficiaries of such causes as promoting good health, political reform, fraternal life, and economic prosperity. This information countered the myth that Jews were only peddlers and pariahs. The publications clearly establish that the Jews who left Europe--and later other places in the country to follow or become pioneers--were both able and willing to play a significant role in the development of the new frontier in a number of rural areas, thereby aiding the development of entire new regions of the United States, and of the country's largest cities.

That the editors willingly undertook such enterprises, at such great personal sacrifice, testifies to the significance they placed on their publications. The editors derived much satisfaction from being able to extend their pulpits, to venture beyond the constraints of their own voices.

Jews were ineluctably exposed to the winds of political, economic, social, and cultural changes in American society. As a group, they flowed in their little stream that crossed others, combined with them, and finally made the great river of American life. They basked in freedom as a new way of life and lived in communities where they had to create Jewish institutions--synagogues, benevolent societies, and so forth--from scratch.

The English-language American Jewish press, 1843-1858, served a community divided by background, observance, custom, and belief. It set the agenda for community discussion and was the only intercommunal agency in existence before the Civil War. Its editors, brave men willing to take risks, brought to the attention of their readers new choices, options, and vistas. The Jewish press presented evils lurking in the environment. At the same time, it sought to maintain the essence of Judaism transplanted across the ocean. It regularly visited Jewish communities scattered across the land, helping to build the confidence of the community, increasing Jewish awareness, and serving to bond the individuals to their religious kinsmen and women. It exposed Jewish people to Jewish thought, rather than having them drift away. Finally, it ensured the place of Jewish identification in the United States and saw to it that Jews would not remain marginal in American society.

TABLE 1

Comparative Content Analysis Using Percentages And Numbers: Whole Issues*

Categories	Occident		Asmonean		Israelite		Messenger		Gleaner	
	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)
Surveillance	18	234	6	215	17	642	6	92	13	228
Correlation	10	130	5	187	8	287	1	19	3	57
Transmission	21	271	15	566	16	597	12	194	23	410
Entertainment	0.2	2	0.4	15	3	106	2	29	7	130
Accommodatio	6	72	6	250	7	247	2	34	2	35
Press Notes	1	14	5	206	8	304	14	213	3	45
Local Commun	18	231	10	378	10	368	6	96	2	37
Non-local Com	26	335	24	942	30	1105	46	712	28	495
Non-Jewish	0	1	29	1144	0	16	11	174	20	350
Totals:	100.2	1290	100.4	3903	99	3672	100	1563	101	1787

* Percentages derived by averaging years; totals greater or less than 100 because of rounding error.

TABLE 2

Comparative Content Analysis Using Percentages And Numbers: Editorials

Categories	Occident		Asmonean		Israelite		Messenger		Gleaner	
	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)
Surveillance	0	0	1	1	4	1	0	0	0	0
Correlation	11	6	30	24	25	6	6	3	6	3
Transmission	27	15	13	11	46	11	42	6	50	25
Entertainment	0	0	0	0	0	0	0	0	0	0
Accommodatio	46	26	18	14	17	4	30	15	8	4
Press Notes	7	4	8	6	0	0	10	5	12	6
Local Commun	2	1	9	7	8	2	4	3	2	1
Non-local Com	7	4	20	16	0	0	8	3	10	5
Non-Jewish	0	0	1	1	0	0	0	0	12	6
Totals:	100	56	100	80	100	24	100	35	100	50

Totals: 100 percent in each instance.

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CONGRESS AND JOURNALISTIC PRIVILEGE:

AN HISTORICAL AND LEGAL PERSPECTIVE

By ROBERT L. SPELLMAN

The author is associate professor and head, news-editorial sequence, in the School of Journalism at Southern Illinois University-Carbondale.

This paper was prepared for delivery at the American Journalism Historians Association, University of Kansas, Lawrence, Kan., Oct. 3, 1992.

When four journalists in early 1992 refused to disclose from whom they obtained information about United States Senate investigations, it was both history revisited and a harbinger of the future. One of the cherished beliefs of American journalists is that freedom of the press encompasses a privilege not to disclose the sources of news stories. That tenet of journalistic faith has been and remains a center of conflict between the press and Congress. Routinely over the past 200 years the press has revealed that which Congress wanted to conceal. Many times Congress has sought to force reporters to disclose their sources. Only four times has Congress succeeded in compelling a journalist to name his source.[1] Mostly Congress created waves of sound and fury and only augmented journalistic tradition. Occasionally, for reasons of politics or of institutional enhancement, it wielded its power to hold journalists in contempt or otherwise punish their refusals to disclose sources.[2]

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[1] There also was a source disclosure to the Continental Congress. It has been claimed mistakenly that the identification of a source in 1846 by Jesse Dow, publisher of the Washington *Daily Times*, is the only instance of a disclosure to Congress. See, e.g., transcript of "Moment of Truth," essay by Roger Mudd, on MacNeil/Lehrer Newshour, Oct. 11, 1991.

[2] In none of the scholarly literature is there a complete list of the journalists who have been subjected to official inquiry by Congress in an effort to learn their sources. The best scholarship is found in Kaminski, Thomas H., "Congress, Correspondents, and Confidentiality in the Nineteenth Century," Unpublished M.A. Thesis, San Diego State University, 1976; Marbut, F.B., *News from the Capital: The Story of Washington Reporting* (Carbondale: Southern Illinois University Press, 1971); Ritchie, Donald A., *Press Gallery: Congress and the Washington Correspondents* (Cambridge: Harvard University Press, 1991), and McClendon, R. Earl, "Violations of Secrecy *In Re* Senate Executive Sessions, 1789-1929," *American Historical Review*, Vol. LI:1 (October, 1945), pp. 35-54. Kaminski summarized his research in Kaminski, Thomas H., "Congress, Correspondents and Confidentiality in the 19th Century: A Preliminary Study," *Journalism History*, Vol. 4:3 (Autumn, 1977), pp. 83-87, 92. Documents from the William Duane, Jesse Dow, James W. Simonton, Zebulon L. White and Hiram J. Ramsdell, W. Scott Smith, and W.B. Stevens cases are excerpted in U.S. Senate, Senate Misc. Doc. No. 278, *Digest of Decisions and Precedents of the Senate and House of Representatives*, Senate Miscellaneous Documents, 53d Cong., 2d Sess., 1894 (Washington: Government Printing Office, 1895).

The latest confrontation stemmed from the leaks to Timothy Phelps, a *Newsday* reporter, and Nina Totenberg,[3] a National Public Radio correspondent, of information that Anita Hill, a law professor, had accused Clarence Thomas, a United States Supreme Court nominee, of sexual harassment. Publication of the information resulted in nationally televised hearings on the allegations prior to Thomas' confirmation. Afterward the Senate appointed a special counsel to investigate the leaks on the Anita Hill accusations and of leaks to Paul M. Rodriguez and Jerry Seper, both *Washington Times* reporters, of information about the probe of the involvement of five senators in a savings and loan scandal. The counsel used subpoenas in an effort to force the four journalists to reveal who leaked information to them, but all refused to do so.[4] Following the dominant historic pattern, the Senate Rules Committee decided not to use its contempt powers to punish the reporters.[5]

This paper describes the major conflicts between journalists and Congress over the press' efforts to pierce legislative secrecy. The conflicts are divided into four categories: (1) Disclosure of sources; (2) Refusal to disclose due to personal honor; (3) Refusal to disclose and claims of professional privilege; and (4) Refusal to disclose and claims of First Amendment privilege. The paper documents the efforts of Congress to break the journalistic code of silence on the identity of sources through the use of its contempt power and control over the press galleries.

EARLY CONFRONTATIONS

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[3] Totenberg, one of the nation's top legal affairs reporters, injected herself into the story when she said she had left the now-defunct *National Observer* many years ago because of sexual harassment. In fact, she had been fired for plagiarism. *Wall Street Journal*, Oct. 17, 1991.

[4] U.S. Senate, Document 102-20, Part 1, *Report of the Temporary Special Independent Counsel*, 102d Cong., 2d Sess., 1992, pp. 77-80. See also "Reporters refuse to reveal sources to Congress," *Editor & Publisher*, Feb. 22, 1992, pp. 8,31, and "Last subpoenaed reporter appears for question," *Ibid*, April 4, 1992, p. 38.

[5] Letter of Sens. Wendell H. Ford and Ted Stevens to Peter Fleming Jr., Temporary Special Independent Counsel, March 25, 1992. See also "Senators balk at forcing reporters to reveal sources," *Editor & Publisher*, March 28, 1992, pp. 13,30.

To many members of Congress in the 18th century, the notion that journalists could be free to print the public's business was a strange one. Only in the 1770s was the principle established in the English Parliament that its proceedings could be published without permission.[6] Colonial assemblies had guarded the privilege of controlling what was said about them and their proceedings.[7] The national legislatures did not embrace the concept of controlling by license what was published about them. But often they sought to control leaks of information by punishing the leakers. To do so they had to learn from journalists the names of leakers. That tactic was pursued by the Continental Congress in 1779 when the *Pennsylvania Packet*, a Philadelphia newspaper, disclosed that France had provided aid to the American rebellion prior to its formal alliance with the United States. The writer of the *Packet* article was Thomas Paine, the secretary of the Committee on Foreign Affairs. John Dunlap, printer of the *Packet*, was summoned before the congress and named Paine as the author. Paine was removed as committee secretary.[8]

From its original sitting the House of Representatives met in public.[9] The Senate met in secrecy during its first five years. Thereafter, the Senate's legislative sessions were open,[10] but it went behind closed doors whenever treaties or executive nominations were considered. Later, in December, 1800, according to the *Senate Executive Journal*, the members formally resolved:

> That all confidential communications made by the President of the United States to the Senate shall be, by the members

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[6] Siebert, Frederick S., *Freedom of the Press in England 1476-1776* (Urbana: University of Illinois Press, 1965), pp. 346-363.

[7] Levy, Leonard W., *Emergence of a Free Press*, paperback ed. (New York: Oxford University Press, 1985), p. 14, 17-18, 21-37, 57-58, 294-296.

[8] Teeter, Dwight L., "Press Freedom and Public Printing, 1775-1783," *Journalism Quarterly*, Vol. 45:3 (Autumn, 1968), pp. 449. Paine was hired promptly as secretary of the Pennsylvania Assembly.

[9] U.S. Congress, *Annals of Congress*, House, 1st Cong., 1st Sess., Sept. 26, 1789, pp. 952-956. U.S. Constitution, Art. I, Sect. 5, Cl. 2 confers on the House and Senate the power to determine the rules of their proceedings.

[10] U.S. Congress, *Senate Journal*, 3d Cong., 1st Sess., Feb. 20, 1794, p. 33.

> thereof, kept inviolably secret; and that all treaties which may hereafter be laid before the Senate, shall also be kept secret, until the Senate, by their resolution, take off the injunction of secrecy.[11]

In 1802 the Senate approved a rule that "any stenographer or notetaker, desirous to take the debates of the Senate on Legislative business, may be admitted for that purpose at such place within the area of the Senate Chamber, as the President shall allot."[12] Generally, the Senate continued to consider treaties and executive nominations in secrecy until 1929.[13] As a result, until modern times, most efforts to force journalists to violate the confidentiality of their sources involved the Senate.

In 1795, in one of the first controversies over a leak, Benjamin Franklin Bache, the Jeffersonian editor of the Philadelphia *Aurora*, published the text of Jay's Treaty with Great Britain while the Senate was debating it in secrecy. A copy of the treaty had been given to the editor by Sen. Stevens T. Mason of Virginia.[14] No action was taken against Bache for the disclosure. William Duane, who succeeded Bache as editor of the *Aurora*, was cited for contempt by the Senate in 1800 after he printed a leaked copy of a bill that would have altered the constitutional system of counting electoral votes.[15] Duane avoided arrest by the Senate sergeant-at-arms by going into hiding. The prosecution was discontinued after Thomas Jefferson became president.[16] The House of Representatives found Nathaniel Rounsavell, editor of the *Herald* of Alexandria, Va., in contempt and detained him for disclosing a secret message of President James

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[11] U.S. Congress, *Senate Executive Journal*, Vol. 1, p. 361.

[12] *Annals of the Congress*, Senate, 7th Cong., 2d Sess., Jan. 5, 1802, p. 22.

[13] *Senate Journal*, 71st Cong., 1st Sess., June 18, 1929, p. 122. For a summary of various Senate actions on executive session rules, see McClendon, *op. cit.*, pp. 35-37.

[14] Smith, James Morton, *Freedom's Fetters: The Alien and Sedition Laws and American Civil Liberties*, paperback ed. (Ithaca: Cornell University Press, 1956), p. 189.

[15] *Annals of Congress*, Senate, 6th Cong., 1st Sess., March 27, 1800, pp. 122-124.

[16] *Smith, op. cit.*, pp. 288-306.

Madison recommending a trade embargo against Great Britain.[17] Rounsavell refused to name his source. He was discharged after it became apparent several members of House had broken the secrecy order.[18]

DISCLOSURE OF SOURCES

The first disclosure by a journalist of his source was recorded in 1827. William F. Thornton, editor of the *Phoenix Gazette* of Alexandria, Va., revealed that a disgruntled government contractor was the source of a story alleging corrupt conduct by Vice President John C. Calhoun.[19] A similar disclosure was made in 1835 by Sylvester S. Southworth, Washington correspondent of the New York *American*. Southworth had alleged that Richard Lawrence, a tradesman who attempted to assassinate President Andrew Jackson, held a meeting with Sen. George Poindexter of Virginia.[20] Southworth informed a Senate committee that his source was Dutee J. Pearce a Rhode Island congressman.[21] The Senate accepted the panel's conclusion that Southworth's story was false.[22]

The 1840s demonstrated that Senate secrecy could not withstand the combination of growing numbers of Washington correspondents and the political advantage to be gained from leaking information. In April,1844, the New York *Evening Post* published the Texas annexation treaty and related diplomatic correspondence that President John Tyler had submitted to the Senate.[23] After the Senate launched an investigation of the leak, Sen. Benjamin Tappan, an Ohio Democrat and abolitionist, admitted that he gave the documents to the *Evening Post*. A Senate committee recommended that Tappan be expelled, but the Senate accepted Tappan's apology and decided censure was sufficient punishment.[24]

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[17] *Annals of Congress*, House of Representatives,12th Cong., 1st Sess., April 6, 1812, p. 1262.

[18] *Ibid*, April 7, 1812, p. 1274. Upon the House receiving the message, Rep. Josiah Quincy, a Massachusetts Federalist, sent an express to Boston warning shipowners to rush their vessels to sea ahead of the embargo. *Ibid*, p. 1266.

[19] U.S. House of Representatives, House Rpt. No. 79, *Report of the Committee on a Letter of John C. Calhoun*, 19th Cong., 2d Sess., 1827.

[20] U.S. Congress, *Register of Debates in Congress*, Vol. II, Part I, Senate, 23d Cong., 2d Sess., 1835, p. 582.

[21] U.S. Senate, Senate Rpt. No., 148, *Report of the Select Committee, Communication of the Honorable George Poindexter*, 23d Cong., 2d Sess., 1835, pp. 30-31.

[22] *Register of Debates*, Vol. II, Part 1, 23d Cong., 2d Sess., p. 714.

[23] New York *Evening Post*, April 27, 1844.

In March, 1846, the Washington *Daily Times* published four stories claiming that some Whig and anti-administration Democrats had conspired with Lord Pakenham, the British minister, to defeat President James K. Polk's Oregon policy. The *Daily Times* said the plans of the conspirators were formed at a dinner at Pakenham's residence and at a meeting at the Capitol attended by Pakenham.[25] A Senate committee investigated the allegations and called Jesse Dow, publisher of the *Daily Times*. Dow disclosed that his source was G.T.M. Davis, Washington correspondent of the St. Louis *Republican*, who obtained the information from Sen. Daniel Webster of Massachusetts. Davis confirmed that Webster was his source.[26] Webster denied any knowledge of a conspiracy, but he was silent as to whether he was the source of the *Daily Times*' allegations.[27]

Revealing his sources made Dow an outcast. It gained him no favor from senators, who banished him and Hiram H. Robinson, editor of the *Daily Times*, from the press gallery.[28] From 1846 to the present, only one other journalist has acceded to a congressional demand that he reveal his source. The fourth instance of a reporter disclosing his source came in 1890 after the *St. Louis Globe-Democrat* printed allegations that 12 senators and 15 representatives reaped

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[24] *Senate Executive Journal*, Vol. VI, 28th Cong., 1st Sess., 1844, pp. 268-273, 768-770.

[25] Washington *Daily Times*, March 5,9,10 and 11, 1846, reprinted in U.S. Senate, Senate Rpt. No. 222, *Report of the Select Committee*, 29th Cong., 1st Sess., 1846.

[26] Dow also named a Navy lieutenant, and several lobbyists and government employees. All denied under oath giving Dow the information. Dow and Davis said another source was Rep. Robert C. Winthrop, who denied any knowledge of a conspiracy.

[27] Senate Rpt. No. 222, *op. cit.*

[28] U.S. Congress, *Congressional Globe*, 29th Cong., 1st Sess., 1846, pp. 500-502.

$1 million in profits by investing in silver bullion prior to Congress approving a silver purchase law.[29]

The *Globe-Democrat* story was written by W.B. Stevens, the newspaper's Washington correspondent, who attributed the information to a "worker for silver legislation."[30] Called before a House of Representatives committee, Stevens identified his source as J.A. Owenby, a lobbyist. While he gave newspaper interviews claiming that he possessed information about congressional corruption, Owenby failed to respond to a subpoena. Finally arrested by a deputy sergeant-at-arms, Owenby denied any personal knowledge of corruption and named others as his sources. Those persons said they gave no information to Owenby.[31]

The Senate committee also called R.D. Bogart, correspondent of the *Chicago Evening Post*, and O'Brien Moore, correspondent of the *St. Louis Republican*, both of whom had filed stories naming congressmen who allegedly had profited from the silver law. Both reporters denied any personal knowledge of corruption, but they refused to name their sources. Moore attributed his story to rumor. Bogart said he "was merely voicing a little spirit of pleasantry and fun going around the gallery."[32] He added that "newspapers are written these days more to amuse and interest than they are to seriously impress the public" and he had to "make our newspaper readable or leave the gallery."[33] The committee report responded:

> While your committee can but condemn the reckless methods of such correspondents, and express surprise that any reputable newspaper should be willing to encourage such disreputable journalism, yet it is but just to say that the Washington correspondents of those newspapers which stand the highest and exert the healthiest influence on public sentiment repudiate this reckless and sensational style of inventing as well as serving up "news," which, under the guise

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[29] U.S. House of Representatives, House Rpt. No. 4006, *Silver Pool Investigation*, 51st Cong., 2d Sess., 1891.

[30] St. Louis *Globe-Democrat*, Sept. 20, 1890.

[31] U.S. House of Representatives, *Silver Pool Investigation*, *op. cit.*, p. 3.

[32] *Ibid*, p. 5.

[33] *Ibid*, p. 6.

> of making a newspaper readable, catches up and magnifies indefinite, untruthful evil gossip, especially about public men, usually originated by fellows whose reputation ought to discredit their gossip at the start, and, without any inquiry as to its truthfulness, gleefully sends it out on the wings of the lightning to smirch reputations and educate the public to believe---contrary to fact---that honor and integrity are the exceptions and baseness and corruption the rule among members of Congress and other public men.[34]

The House committee contented itself with absolving congressmen of any misconduct and condemning the journalistic conduct of Stevens, Bogart and Moore.[35]

CONFINEMENT OF JOHN NUGENT

The Tappan censure and Dow investigation did not halt leaks. In 1846 the Senate investigated fruitlessly the publication of the Oregon Boundary Treaty in the *New York Tribune* and *Philadelphia North American*.[36] Leaks offended the Senate's sense of reputation, but often politics was the motivating force in investigations of secrecy violations. An effort to undermine Secretary of State James Buchanan, a Pennsylvania Democrat, as a presidential candidate was responsible for the arrest and confinement of John Nugent, Washington correspondent for the *New York Herald*, in the presidential election year of 1848.[37] The action brought the first court challenge to the power of Congress to hold a journalist in contempt for refusing to reveal the source of a story.

Between Feb. 22 and March 10, 1848, the Senate considered and then consented to the Treaty of Guadalupe-Hidalgo, which ended the Mexican War. On Feb. 22, the morning when President Polk sent the convention to the Senate, the *Herald* published an accurate summary of the treaty's provisions.[38] The story was written by Nugent, who had represented the *Herald* in Washington since 1846. Thereafter, the *Herald* printed periodic Nugent reports on the Senate's debates in secret sessions. The Feb. 25 issue contained an article-by-article rundown of the treaty.[39] On March 11 Nugent reported that the Senate had consented to the treaty but the "injunction of secrecy is not yet removed."[40] On March 13 the *Herald* disclosed it had possessed the complete text of the treaty for two weeks. It published the text, including minor changes added by the Senate, and a listing of how each senator voted.[41] Later, the *Herald* reported that the Senate is "now in Executive Session supposed by some to be upon an investigation of the mystery of the publication of the treaty in the New York Herald."[42]

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[34] *Ibid*, p. 6.

[35] *Ibid*, p. 7.

[36] Ritchie, *op. cit.*, p. 28.

[37] Marbut, *op. cit.* , p. 89.

On March 23 the Senate appointed a three-member committee that examined Nugent and reported that the correspondent refused to say how and from whom he obtained the treaty, its related diplomatic correspondence and Polk's message submitting it. He did absolve senators and their employees.[43] Dissatisfied with its committee, the Senate had Nugent brought before it in a secret session. To numerous questions by Vice President George M. Dallas on how he obtained the documents, Nugent replied, "I decline to answer that question."[44] The Senate found him in contempt and confined him in the room of the Committee on Territories. Periodically he was called out and asked to name his source, but each time he refused. Nugent was confined from March 27 to April 28 when the Senate, saying the reporter was "seriously indisposed," released him.[45] While the confinement was publicly known and widely reported in the press, it was not officially confirmed because the contempt proceeding had been held in secret session.

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[38] *New York Herald*, Feb. 22. 1848.
[39] *New York Herald*, Feb. 25. 1848.
[40] *New York Herald*, March 11, 1848.
[41] *New York Herald*, March 13, 1848.
[42] *New York Herald*, March 16, 1848.
[43] *Senate Executive Journal*. Vol. VII, 30th Cong., 1st Sess., 1848, pp. 354-357.
[44] *Ibid*, pp. 358-364.
[45] *Ibid*, pp. 364-404.

While he was held, Nugent wrote and the *Herald.* published eight dispatches under the dateline "Custody of the Sergeant-at-Arms of the Senate." The *Herald* denounced the secrecy in an editorial which said the "public are curious to know, in order to laugh at them, the proceedings which have produced such a course of action, and violated the rights of a citizen."[46] The newspaper published a table that matched 15 newspapers and their correspondents with senators who regularly leaked information to them. The Democratic *Herald* commended the Philadelphia *North American*, a Whig newspaper, for the "best reports of those secret debates" and claimed Whig senators were "the most comprehensive leakers; but some of the (D)emocratic Senators were the most accurate leakers during these mysterious debates."[47] Nugent's release was obtained only after James Gordon Bennett, owner of the *Herald*, traveled to Washington and exerted his influence.[48]

Meanwhile, Nugent had sought a writ of *habeas corpus* from the District of Columbia Circuit Court.[49] Nugent challenged the power of the Senate to hold him in contempt in the absence of explicit constitutional or statutory authority.[50] He also said the secrecy of the contempt proceedings nullified any contempt conviction. Judge William Cranch rejected Nugent's argument that the Senate lacked the authority to hold him in contempt. Citing cases upholding the English Parliament's inherent power to find in contempt those who challenged its rules, Cranch said only the Senate could judge what was a contempt of its authority and no "court can have a right to inquire directly into (its) correctness or propriety."[51] Also rejected was the argument that any contempt conviction must be reached in open session. Claiming nothing "can be more proper" than "all communications relating to treaties should be with closed doors and under the seal of secrecy,"[52] Cranch held:

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[46] *New York Herald*, April 1, 1848.

[47] *New York Herald*, May 3, 1848.

[48] Seitz, Don C., *The James Gordon Bennetts, Father and Son* (Indianapolis: Bobbs-Merrill Co., 1928), p. 126.

[49] Ex Parte Nugent,18 Fed. Cas. 471 (No. 10,375) (C.C.D.C. 1848).

[50] Congress did not pass a contempt of Congress statute until 1857. 11 Stat. 155 (1857), 2 U.S.C. Sect. 192 et seq.

[51] *Nugent*, 481.

> No odium therefore can attach to the senate from the circumstance that the judgment for contempt was pronounced in secret session on a transaction which took place in secret session. It could not have been done otherwise. The offense must be punished in secret session, or go unpunished, leaving the senate exposed to all sorts of insults in the discharge of their solemn constitutional duties.[53]

The judge's logic is not convincing. It was based on the fiction that the existence of the treaty was not known because the Senate had not passed a resolution lifting rule of confidentiality. The Senate was not demanding that Nugent disclose diplomatic secrets. It wanted the name of his source. No Senate rule held that the identity of a newsman's source was a state secret. Nevertheless, *Nugent* established that Congress could punish journalists for refusing to reveal their sources and could do so in secret session.

Politics was behind Nugent's confinement. The journalist was a friend of Secretary of State James Buchanan, who wanted to succeed Polk as president.[54] Polk's enemies suspected him of leaking the treaty and diplomatic documents and hoped to embarrass him by forcing Nugent to identify the secretary of state as his source. Buchanan denied he was the source and offered to so testify under oath.[55] Many of the nation's newspapers entered the fray, but their stances had more to do with whether they were pro-Buchanan than with any dedication to press freedom. Nugent was anti-Polk and refused a plea of Buchanan not to attack Polk.[56]

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[52] *Id.*, 483.

[53] *Id.*

[54] Although he later was elected president, Buchanan lost the Democratic Party nomination in 1848 to Sen. Lewis Cass of Michigan. Cass as defeated by Zachary Taylor, the Whig candidate.

[55] *Senate Executive Journal*, Vol. 7, p. 357.

[56] Marbut, *op. cit.*, pp. 90-92.

The *New York Times* was not founded until 1851, but it soon was into the business of circumventing Senate secrecy. When President Millard Fillmore submitted the Gadsden Treaty with Mexico in 1854, the *Times* published the text of the treaty and Fillmore's message. The newspaper headlined its scoop, "Documents Complete as sent to the Senate Confidentially."[57] The *Times* disclosure, written by Washington correspondent James W. Simonton, came at the same time that other newspapers had breached Senate secrecy concerning a convention with Great Britain and on the rejection of the nomination of a consul in London.[58] This time the Senate avoided subpoenas to newsmen and instead had the vice president query all senators on whether any knew who had given confidential information to journalists. Not surprisingly, no senator offered any insights.[59] The *Times* correspondent wrote that he could not have obtained a copy of a treaty "except on the pledge that he would not disclose the name of the party furnishing it."[60]

Simonton was arrested by the House of Representatives in 1857 and threatened with imprisonment for contempt. The action stemmed from the publication of a story written by Simonton that charged some members of Congress would profit from passage of a railroad land grant bill. An accompanying editorial said the bill was backed by a "corrupt organization of members of Congress and certain lobby agents" that received $1,000 per vote to assure passage of bills.[61] An investigation followed at which Simonton said two congressmen suggested to him that he act as a broker to obtain money for their votes on bills. He refused to name them publicly because he had promised confidentiality and to identify them would be a "dishonorable breach of confidence."[62] Simonton did name the congressmen privately on condition his testimony not be used against them. Four House members resigned rather than face expulsion.[63] Simonton, later to become general manager of the New York Associated Press, was expelled from the press gallery.[64] Simonton's claim of honorable conduct was disingenuous. He had a reputation for combining journalism and lobbying and in the 1840s, while working for the *Washington Union*, had been exposed for offering to sell Senate secrets.[65] As a result of the land grant scandal, Congress enacted a statute that permitted contempt of Congress cases to be tried in federal courts.[66]

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[57] *New York Times*, Feb. 15, 1854.

[58] McClendon, *op. cit.*, p. 42.

[59] *Senate Executive Journal*, Vol. IX, 33d Cong., 1st Sess., 1854, pp. 246-247, 249, 271-273.

[60] *New York Times*, March 10, 1854.

[61] *New York Times*, Jan. 6, 1857.

[62] U.S. House of Representatives, House Rpt. No. 243, *Alleged Corrupt Combinations of Members of Congress*, 34th Cong., 3d Sess., 1857, p. 31.

CONFINEMENT OF WHITE AND RAMSDELL

The House of Representatives was embarrassed by the effort in 1870 of Rep. Thomas Fitch, a Neveda Democrat, to expel W. Scott Smith, Washington correspondent of the New York *Evening Post*, from the press gallery. Smith had exposed the effort of N.B. Taylor, a lobbyist, to secure recognition of Cubans rebelling against Spain as belligerents. He wrote that Taylor had offered $1 million in Cuban independence movement bonds as bribes to Fitch and other congressmen.[67] If the rebels succeeded in overthrowing Spain, the bonds would be valuable. Otherwise, they would be worthless. Another story quoted Rep. Benjamin Butler, chairman of a committee probing the bribery allegation, as saying there was "no direct evidence against Mr. Fitch, but there was indirect testimony."[68]

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[63] Ritchie, *op. cit.*, p. 2. See Marbut, *op. cit.*, pp. 97-103.

[64] U.S. Congress, *Congessional Globe*, 34th Cong., 3d Sess., 1857, p. 952.

[65] Ritchie, *op. cit.*, p. 2.

[66] 11 Stat. 155 (1857). U.S.C. Sect. 192 et seq. *Congressional Globe*, 34th Cong., 3d Sess., 1857, p. 953. The statute was upheld in In re Chapman, 166 U.S. 661 (1897). The statute exists coincident with the common law privilege to summarily punish contempts. The maximum penalty under the common law is confinement until the end of a legislative session. Generally, Congress used its common law rather than its statutory powers until the common law privilege was curtailed in Marshall v. Gordon, 243 U.S. 521 (1917). See Goldfarb, Ronald, *The History of the Contempt Power*, 1961 Wash. U.L.Q. 1, 19-29 (February, 1961).

[67] New York *Evening Post*, June 6, 1870. Taylor's attorney was ex-Gen. George Pickett, who commanded the futile Confederate charge against the center of the Union line on the third day of the Battle of Gettysburg.

[68] New York *Evening Post*, June 9, 1870.

At the behest of Fitch, House Speaker James G. Blaine asked Smith who was the source of his story. Smith refused to disclose the identity of the source, but he did reveal that the source had shown him affidavits presented to a grand jury that documented his exposure of the bribery scheme.[69] The House appointed a select committee to inquire into whether Smith should be expelled from the press gallery. The panel discovered that the Butler committee had an affidavit from Taylor supporting the allegation that bribes had been offered to Fitch and other legislators and that Butler had been quoted accurately.[70] Thereupon, the notion of expelling Smith from the press gallery was quashed. The committee members said Smith unfairly implied some congressmen may have accepted bribes and while "the correspondent of the *Evening Post* has not been without fault, they are also of the opinion that his fault is not of such flagrant character to justify his expulsion from the gallery, or even to warrant any formal resolution of censure."[71]

On May 10, 1871, President Ulysses S. Grant sent to the Senate the Treaty of Washington between the United States and Great Britain. The treaty settled the claims of the United States stemming from the construction of Confederate raiders, including the *Alabama*, in British shipyards during the Civil War. That night the *New York Tribune* Washington bureau telegraphed to New York the complete text of the treaty, which the *Tribune* published on May 11. Most of the front page of that day's edition was taken up by the text and a story about what senators said about the treaty in secret session.[72] The *Tribune* and other newspapers continued to carry stories about what was occurring in the Senate's secret deliberations.[73] The copy of the treaty had been obtained by Hiram J. Ramsdell, a correspondent of the *Tribune* and the *Cincinnati Commercial*. He had paid $375 in

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[69] *Congressional Globe*, 41st Cong., 2d Sess., June 10,1870, p. 4318

[70] U.S. House of Representatives, House Rpt. No. 104, W. *Scott Smith*, 41st Cong., 2d Sess., 1870, p. 3.

[71] *Ibid*, p. 5.

[72] *New York Tribune*, May 11, 1871.

[73] For example, *New York Tribune*, May 13, 1871, and *New York Herald*, May 10,11,19 and 25, 1871.

Tribune funds and $175 in *Commercial* funds for it.[74] Apparently Ramsdell's source was Ben: Perley Poore, who was both Washington correspondent of the *Boston Journal* and clerk of the Senate Printing Committee.[75]

The Senate appointed a committee to ferret out who leaked the copy of the treaty. Headed by Sen. Matthew H. Carpenter, a Wisconsin Republican, the panel summoned Zebulon L. White, the *Tribune*'s Washington bureau chief, and Ramsdell. The following exchange took place between Carpenter and White.

> CARPENTER: *From whom did you obtain the printed copy of what purports to be the treaty spoken of by you, which you transmitted to the* New York Tribune. .
>
> WHITE: *I respectfully refuse to answer.*
>
> CARPENTER: *Why do you refuse to answer the question?*
>
> WHITE: *On account of my professional honor.*
>
> CARPENTER: *Not because you are unable to answer.*
>
> WHITE: *No, sir.*
>
> CARPENTER: *What do you mean by your professional honor; what is your profession?*
>
> WHITE: *Whenever I receive any item of news, unless I have the permission of the gentleman or person who furnishes that item of news to me, I consider it as an honorable thing that I shall not divulge the source of that news.*[76]

Ramsdell also refused to disclose from whom the copy of the treaty was obtained because he was "duty bound as a man of honor."[77]

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[74] Ritchie, *op. cit.*, p. 90.

[75] *Ibid.*, p. 91.

[76] U.S. Senate, Select Committee, Senate Rpt. No. 5, *Publication of the Treaty of Washington*, 42d Cong., Special Sess., 1871, p. 13.

[77] U.S. Senate, *Publication of the Treaty of Washington*, *op. cit.*, p. 9.

As a result of their answers, the Senate found White and Ramsdell in contempt.[78] On the day the two men were arrested by the sergeant-at-arms and confined in the room of the Pacific Railroad Committee, the *Tribune* editorialized that it "is not our business to keep the secrets of the Government, but to publish the news. If the Government can't keep its own secrets, we do not propose to undertake for it the contract."[79] Brought before the Senate itself and questioned by Vice President Schuyler Colfax, an Indiana newspaper owner, both men continued to refuse to disclose their sources. White said a journalist's pledge of confidentiality "is considered among my professional associates as a client's secrets are to an attorney, a patient's secrets to a physician, or those of a dying man to a minister of the gospel." The Senate continued the newsmen's confinement.[80] Whitelaw Reid, editor of the *Tribune*, doubled the men's salaries during the confinement, which was not rigorous. They received visits from wives and friends, had meals catered by the Senate restaurant, and were given a key to their room.[81] They were released on May 27 when the Senate adjourned.[82]

Conflict between the Senate and newspapermen continued. In December, 1884, when President Chester Arthur submitted a treaty that permitted construction of a canal across Nicaragua, the Senate Committee on Foreign Relations took special measures to assure secrecy.[83] Nevertheless, the *Tribune* [84] and other newspapers published the complete text and later the vote on rejection of the convention.[85] The Senate considered appointing a committee to investigate the violation of secrecy.[86] Perhaps aware of past futile efforts to identify leakers, it didn't bother. Newspapers reported what transpired in the Senate's secret sessions with regularity during the 1880s.[87]

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[78] *Congressional Globe*, 42d Cong., Special Sess., May 16, 1871, pp. 846-849.

[79] *New York Tribune*, May 16, 1871.

[80] *Congressional Globe*, 42nd Cong., Special Session, May 18, 1871, pp. 863-868.

[81] Marbut, *op. cit.*, p. 145.

[82] *Congressional Globe*, 42d Cong., Special Sess., May 27, 1871, p. 929.

[83] *Senate Executive Journal*, Vol. XXIV, 48th Cong., 2d Sess., Dec. 19, 1884, pp. 377-380.

[84] *New York Tribune*, Dec. 18, 1884.

[85] *New York Tribune*, Jan. 30, 1885.

[86] *Senate Executive Journal*, Vol. XXIV, 48th Cong., 2d Sess., Dec. 19, 1884, pp. 396-397.

Frustrated at what Sen. Orville Platt, a Connecticut Republican, described as the "world. . .laughing at us that we pretend to have secret sessions,"[88] the Senate embarked on a witch hunt in the early 1890s. First, in 1890, a committee headed by Sen. James Dolph, an Oregon Republican, examined the ventilating system to assure sound could not escape through it from the chamber and ordered elevators not to take passengers above the first floor when the Senate was in secret session.[89] Then, in March, 1892, after newspapers published the text of a Bering Sea treaty with Great Britain, senatorial wrath focused on James Rankin Young, a former Washington correspondent, who was the Senate's executive clerk. The Washington press corps informed senators that Young was not the source of leaks, but he became the scapegoat and was fired.[90] Probably Young could have escaped being scapegoated except that he and John Russell Young, his brother, owned the *Philadelphia Star*, which was at odds politically with Sen. Matthew Quay and Sen. Don Cameron of Pennsylvania.[91] Young received his revenge by winning a seat in Congress from Philadelphia in 1896.

CURTAILING CONGRESSIONAL SECRECY

When Nugent and Simonton refused to reveal their sources, they claimed that to do so would be a stain on their personal honor.[92]

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[87] McClendon, *op. cit.*, pp. 45-46.

[88] *New York Times*, March 5, 1890.

[89] *Senate Executive Journal*, Vol. XXVII, 51st Cong., 1st Sess., March 4, 1890, pp. 487-488.

[90] Ritchie, *op. cit.*, pp. 173-175. Among the newspapers affirming that Young did not leak confidential information was the *Louisville Courier-Journal*, through editor Henry Watterson; *New York Times* and *New York Tribune*. The *Washington Post* on April 19, 1892, said the leaked information came from the senators themselves.

[91] Ritchie, *op. cit.*, p. 1873.

[92] Kaminski, "Congress, Correspondents and Confidentiality in the 19th Century: A Preliminary Study," *op. cit.*, p. 84.

By the time White justified his refusal to disclose the identity of a source, journalists were asserting a professional privilege that they believed should receive the same common law recognition as those of lawyer-client, doctor-patient and priest-penitent. That was not to be. When John Henry Wigmore, recognized as the leading scholar on the law of evidence, published his treatise on evidence at the start of the 20th century, he solidified the common law rule against any privilege for journalists. Wigmore reaffirmed the venerable rule that courts and legislators are entitled to every person's evidence and only limited exceptions are recognized.[93] A source confidentiality privilege for journalists was specifically disavowed.[94]

The lack of legal recognition of a source confidentiality privilege played no role in the journalistic pursuit of congressional secrets. Congress was incapable of plugging leaks. As O.O. Stealey, the Washington correspondent of the *Louisville Courier-Journal*, wrote:

> The most perplexing thing to public men in Washington, and to some extent throughout the country, is how the proceedings of an executive session of the Senate become known so soon to the public press. These sessions are unquestionably private and each senator is pledged not to divulge anything that transpires therein without it is agreed to make it public. Many matters come up there, such as treaties with foreign countries, publicity concerning which would surely be embarrassing to say the least, to our Government and yet publicity follows promptly in most cases, and the more important the subject the more certain it is that the public will be informed.[95]

Close associations between journalists and legislators were responsible for the leaks. Louis Ludlow, a Washington correspondent who later was elected to Congress, said he would "bet a million dollars that within three hours after the adjournment of any executive session, I can give a full and accurate account of everything that has taken place behind closed doors. I would simply go to some Senator of my acquaintance and he would tell me."[96] While correspondents had few difficulties obtaining stories, the secrecy caused, as Stealey noted, a failure to report "with that accuracy which otherwise would be the case if the sessions were open."[97]

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[93] Wigmore, John Henry, *Wigmore on Evidence*, McNaughton ed. (Boston: Little, Brown & Co., 1961), Sect. 2192, p. 70.

[94] *Ibid*, Sect. 2286, p. 529.

[95] Stealey, O.O., et al, *Twenty Years in the Press Gallery* (New York: Publishers Printing Co., 1906), p. 7.

The end of the normal Senate practice of debating and voting on treaties and executive nominations in secret came in 1929. The harbinger was a story, written by Senate correspondent Paul R. Mallon, that moved on the United Press wire in January It accurately reported the roll call vote to confirm Roy O. West of Illinois as secretary of the interior.[98] The nomination had been bitterly contested by progressive senators who believed West to be too favorable toward power companies. Responding to a threat by Sen. Charles Curtis, the Kansas Republican who was chairman of the Rules Committee and vice president-elect, to bar the United Press from the Senate floor,[99] the Standing Committee of Correspondents met and affirmed Mallon's integrity and journalistic ethics.[100]

The end of the secrecy rule came after the United Press in May reported the Senate vote to confirm former Sen. Irvine L. Lenroot, a Wisconsin Republican, as a judge on the U.S. Court of Customs and Patent Appeals.[101] Progressive senators also opposed Lenroot because of his ties to power companies and his association with former Secretary of the Interior Albert B. Fall, who had been convicted of criminal conduct growing out of the Teapot Dome scandal.[102] The Rules Committee reacted to the breach of secrecy by barring the United Press from the Senate floor[103] and called Mallon before it and asked him whom his sources were. Mallon replied:

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[96] Ludlow, Louis, *From Cornfield to Press Gallery* (Washington: W.F. Roberts Co., 1924), p. 258.

[97] Stealey, *op. cit.*, p. 7.

[98] *Congressional Record*, 71st Cong., 1st Sess., Jan. 30, 1929, p. 2447.

[99] At the time, with the approval of the Rules Committee chairman, wire service reporters could go onto the Senate floor.

[100] Marbut, *op. cit.*, p. 159.

[101] *Senate Executive Journal*, Vol. 68, 71st Cong., 1st Sess., pp. 29, 38, 41, 84-85, 87-89.See *Congressional Record*, 71st Cong., 1st Sess., May 21, 1929, p. 1624, for the story as published in the Washington *Daily News*.

[102] Marbut, *op. cit.*, p. 159; Ritchie, *op. cit.*, p. 175.

> I most respectfully decline to reveal any source of that information. As you well know, as all members of this committee know, every day a newspaperman covering the Senate obtains information from confidential sources, and when so obtained he respects that confidence.[104]

The action against the United Press led Sen. Robert LaFollette Jr., the progressive Republican from Wisconsin, to insist that the Senate abide literally by its rules and not permit any wire service reporters on the floor. As a result, all wire services lost floor privileges.[105] The privilege has never been restored.

Then LaFollette led an attack by progressive senators on the secrecy rule. He noted that Richard V. Oulahan of the *New York Times*, M. Farmer Murphy of the *Baltimore Sun* and Charles Michaelson of the New York *World*, among correspondents for other newspapers and the wire services, breached senatorial secrecy with regularity. He added that the newsmen perform a "public service" and should not be "scapegoats for the Senate's honor."[106] The progressives persisted in the attack and on June 18, 1929, the Senate voted 69-to-5 to lift its secrecy rule.[107]

ATTACK ON THE TELEVISION NETWORKS

The lifting of the secrecy rule eased the relations between the press and congressnan, but incidents continued. During World War II the House Naval Affairs Committee dropped a probe to discover the sources of an *Akron Beacon-Journal* story that alleged merchant seamen refused to unload ships during the battle for Guadacanal.[108] In 1945 the House Veterans Affairs Committee voted to cite Albert Deutsch, a reporter for *PM*, for contempt and then declined to proceed with the action. Deutsch had refused to name five doctors who had been his sources for articles critical of the Veterans Administration.[109] After Edward J. Milne, Washington correspondent for the *Providence Journal* and *Evening Bulletin*, refused to comply with it, a Senate panel in 1952 withdrew a subpoena served on the reporter. Milne had refused to identify who supplied him with a staff report of the Subcommittee on Privileges and Elections on the panel's investigation of charges against Sen. Joseph McCarthy, the controversial Wisconsin Republican. Milne said he "would be an object of well-deserved contempt among my colleagues if I violated the confidence placed in me by my sources."[110]

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[103] *Congressional Record*, 71st Cong., 1st Sess., May 22, 1929, pp. 1726-1729, and May 27, 1929, p. 1955.
[104] *New York Times*, May 28, 1929.
[105] *Congressional Record*, 71st Cong., 1st Sess., May 22, 1929, p. 1729.
[106] *Ibid.*, May 23, 1929 pp. 1814-1816.
[107] *Ibid.*, June 18, 1929 pp. 3054-3055.

In 1963 the House Administration Committee engaged in a hilarious contretempts with Jack Anderson, the muckraking columnist. Anderson penned "Congressman Who Cheat," an article on pecadilloes by legislators published in the March 24, 1963, issue of *Parade* magazine. The byline read "By an Anonymous Congressman as told to Jack Anderson." Anderson appeared at a committee hearing and refused to name his alleged co-author. Then he he tried to provide the committee with evidence about and names of "several congressmen who chisel."[111] Rep. Omar Burleson, the Texas Democrat who headed the committee, refused to let Anderson name the congressmen and adjourned the session amid shouts and boos.[112]

Only after the rise of television, which expanded the political impact of the media, did another major clash come in which Congress threatened to use its power to punish a journalist for contempt. The Columbia Broadcasting System (CBS), starting with Edward R. Murrow's *See It Now* expose of Sen. McCarthy in 1954 and *Harvest of Shame* program on migrant workers in 1960, had broadcast documentaries that ruffled political feathers. In 1968 it did so again with *Hunger in America*, a powerful indictment of starvation among some Americans. Then in 1971 it telecast *Selling of the Pentagon*, a muckraking program that documented the huge spending of public money by the Pentagon on public relations. The program triggered protests by conservatives and an investigation by the House Committee on Interstate and Foreign Commerce.[113]

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[108] *Editor & Publisher*, Jan.30 and Feb. 6, 1943;*New York Times*, Feb. 6 and 24, 1943; Steigleman, Walter A., "Newspaper Confidence Laws---Their Extent and Provisions," *Journalism Quarterly*, Vol. 20 (September, 1943), p. 236.

[109] *Congressional Record*, 79th Cong., 1st Sess., May __ and 28, June 8, 1945, pp. 4847, 4859, A2554-A2556, A2749-2755; *Editor & Publisher*, May 26 and June 2, 1945.

[110] *Editor & Publisher*, May 10, 1952.

[111] *Congressional Record*, 88th Cong., 1st Sess., March 28, 1963, pp. 4935, 4940-4943; *Editor & Publisher*, April 13, 1963.

[112] *Editor & Publisher*, April 13, 1963.

The difficulty with the program was that often the producers transposed questions asked by anchor Roger Mudd and answers by a Pentagon spokesman. Critics claimed the result was a distortion of what the Pentagon said. The editing was a violation of CBS's fairness standard. To demonstrate the alleged unfairness the committee subpoenaed the "outtakes," a term for unused film.[114] Frank Stanton, president of CBS, defied the subpoena and testified:

> (T)his subcomittee's legislative purpose---to prevent distortion or to control editing practices in broadcast news reports and thereby engage in official surveillance of journalistic judgments---has no constitutional warrant and therefore no benefit that can be balanced against the chilling effect of this subpena, let alone outweigh it.[115]

Stanton conceded legitimate issues of the fairness of CBS's practices had been raised and would be addressed, but he said CBS would resist "compulsory questioning in a Government inquiry, expressly intended to determine whether this or any other CBS news report meets Government standards of truth."[116]

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[113] U.S. House of Representatives, Hearings, Committee on Interstate and Foreign Commerce, *Subpoenaed Material Re Certain TV News Documentary Programs*, 92d Cong., 1st Sess., April 20, May 12 and June 24, 1971.

[114] *Ibid.*, pp. 2-5, 76-78.

[115] *Ibid.*, p. 73. The printed hearings use the spelling "subpena."

[116] *Ibid.*, p. 74.

In the past journalists had unsuccessfully asserted a common law privilege to bar government intrusion into journalistic decisionmaking. Now a First Amendment right was being claimed. The legal grounding of the claim originated in a decision by a federal court of appeals to uphold a contempt conviction of Marie Torre, a columnist for the *New York Herald-Tribune*, for refusing to disclose the source of a news story about singer Judy Garland.[117] While the court upheld the conviction, Judge Potter Stewart wrote that "compulsory disclosure of a journalist's confidential sources of information may entail an abridgement of press freedom by imposing some limitation upon the availability of news."[118] Then, in 1970, a federal court of appeals upheld the refusal of Earl Caldwell, a reporter for the *New York Times*, to obey a subpoena to disclose to a grand jury his sources for stories about the Black Panthers.[119] The court said the "very concept of a free press requires that the news media. . .should be free to pursue their own investigations to their own ends without fear of governmental interference."[120]

The committee voted 25-to-13 to recommend that the House of Representatives cite Stanton for contempt.[121] Two congressional barons---Emanuel Celler, chairman of the Judiciary Committee, and Wilbur Mills, chairman of the Ways and Means Committee---rallied to the side of CBS.[122] By a vote of 226-to-181, the House refused to issue a contempt citation.[123] It was the first time a committee recommendation in either house of Congress to cite a journalist for contempt had been rejected.

A year later the Supreme Court ruled in *Branzburg v. Hayes* on the issue of whether journalists possessed a First Amendment right to protect their sources. In a decision involving three separate instances of reporters refusing to disclose the identity of their sources to grand juries, the journalists lost, but the press won the war.[124] The Court held that journalists had a qualified First Amendment right not to reveal their sources. The key opinion was written by Justice Lewis Powell, who said journalists have "constitutional rights with respect to the gathering of news or in safeguarding their sources."[125] However, courts are charged with "striking of a proper balance between freedom of the press and the obligation of all citizens to give relevant testimony."[126] In *Branzburg* the Court struck the balance in favor of government and ruled the newsmen must disclose their sources.

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[117] Garland v. Torre, 259 F.2d 545 (2d Cir.), *cert. denied*, 358 U.S. 910 (1958).

[118] *Ibid.*, p. 548.

[119] Caldwell v. United States, 434 F.2d 1081 (9th Cir. 1970), *reversed*, 408 U.S. 665 (1972).

[120] *Ibid.*, 1086.

[121] *Congressional Record*, 92d Cong., 1st Sess., July 13, 1971, p.24722.

[122] *Ibid.*, pp. 24722-24753; Smith, Sally Bedell. *In All His Glory: The Life and Times of William S. Paley*, paperback ed. (New York: Simon and Schuster), p. 476.

[123] *Congressional Record*, 92d Cong., 1st Sess., July 13, 1971, pp. 24752-24753.

DANIEL SCHORR AND THE PIKE REPORT

During 1975 the House Select Committee on Intelligence, headed by New York Democrat Otis G. Pike, investigated abuses and failings of United States intelligence agencies. On Jan. 23, 1976, the Pike panel approved its report, which was highly critical of the Central Intelligence Agency. On Jan. 25, CBS News correspondent Daniel Schorr obtained a copy of the report and scored an exclusive that day when he broadcast many of the its findings. Schorr aired several follow-up reports.[127] Upset at the stories of Schorr and other journalists, the House voted 246-to-124 not to release the Pike committee report. The House was not aware that Schorr had a copy of the report. In its Feb. 16 and 23 issues, *The Village Voice*, a New

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[124] Branzburg v. Hayes, 408 U.S. 665 (1972). One of the journalists was Earl Caldwell, whose case had been cited by Stanton in his refusal to provide Congress with outtakes.

[125] *Ibid*, p. 709.

[126] *Ibid*, p. 710.

[127] U.S. House of Representatives, Committee on Standards of Official Conduct, Hearings, *Investigation of Publication of Select Committee on Intelligence Report*, 94th Cong., 2d Sess., July 19-22 and 26-29 and Sept. 8 and 14-15, 1976, pp. 20-24. John Crewdson, a *New York Times* reporter, read but did not obtain a copy of the report. He wrote a story on its major findings that was published on Jan. 26. See also Kuttner, Bob, "Look Before You Leak," *(MORE)*, March, 1976, pp. 6-7, and Stern, Laurence, "The Daniel Schorr Affair," *Columbia Journalism Review*, May/June, 1976, pp. 20-25.

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York-based weekly newspaper, published Schorr's copy of the report.[128] The House Ethics Committee was instructed to investigate who leaked the report to Schorr.[129]

The Pike committee report and the ensuing imbroglio had more to do with politics and journalistic ethics than national security. One writer described Pike, now a syndicated newspaper columnist, as running "the investigation in the spirit of *The Front Page*, sending investigators out to get dirt on the administration."[130] Schorr attempted but failed to persuade CBS's book publishing subsidiary to publish his copy of the report. Then, working through the Reporters Committee for Freedom of the Press, Schorr agreed to give the report to *The Village Voice*. In return the *Voice* agreed to make a contribution to the reporter's committee, a journalists' advocacy group. The ensuing uproar over the ethics of selling information caused the committee to refuse the contribution.[131] Schorr did not inform CBS of his decision to give the report to the *Voice*. When the report appeared under the byline of Aaron Latham, a friend of CBS journalist Leslie Stahl, Schorr allegedly suggested to his bureau chief that Stahl might be the source of the *Voice*'s story. Schorr retracted the innuendo after Stahl threatened to sue him for libel. As a result of the *Voice*'s publication and activities related to it, CBS bought out Schorr's contract and he left the network.[132]

Latham, the Washington correspondent of *New York Magazine*,[133] and Sheldon Zalaznick, the newsman at the *Voice* who edited the report for publication, were called to testify before the House Ethics Committee. Latham informed the committee he had no personal knowledge of who gave the report to Schorr, but apparently he had deduced whom the source was. Despite a threat from Committee Chairman John J. Flynt, a Georgia Democrat, of prosecution for contempt, Latham refused to say whether he had any knowledge of how Schorr obtained the report. As grounds for the refusal he cited the "First Amendment protection of sources."[134] The committee wanted Latham's and Zalaznick's copies of the report---made from the one Schorr obtained---because they had margin comments in the handwriting of the source. Latham said he returned his copy to Schorr and Zalaznick testified that he "burned them in my backyard."[135]

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[128] *The Village Voice*, Feb. 16 and 23, 1976.

[129] U.S. House of Representatives, *Investigation of Publication of Select Committee on Intelligence Report*, *op. cit.*, p. 4.

[130] Stern, *op. cit.*, p. 21.

[131] *Ibid*, p. 20; U.S. House of Representatives, *Investigation of Publication of Select Committee on Intelligence Report*, *op. cit.*, pp. 23, 511-512.

[132] Stern, *op. cit.*, p. 21, 23.

[133] *New York Magazine* owned a controlling interest in the *Village Voice*.

Schorr invoked the First Amendment and refused to disclose his source and to turn over copies of the report in his possession. He also declined to produce notes or documents that were part of the newsgathering and other editorial processes in his work for CBS.[136] Schorr claimed the effect of the decision to subpoena him "can only be to establish an atmosphere of intimidation for the press"[137] and said:

> I consider it a matter of professional conscience as well as a constitutional right not to assist you in discovering that source. . .I shall not respond to direct questioning about confidential sources, for in some 40 years of practicing journalism I have never yielded to a demand for a disclosure of a source that I had promised to protect.[138]

Joseph A. Califano, Schorr's attorney, maintained the journalist violated no House rule because the Select Committee on Intelligence had voted to release the report before Schorr obtained it and the House voted to keep it secret only after it was in his possession. The lawyer also asserted that at the time the *Village Voice* published the report there was nothing in it that was not in the public domain or that violated national security.[139] Califano argued that the Supreme Court decision in *Branzburg* granted Schorr constitutional protection against any House attempt to find him guilty of contempt.[140] Either the legal arguments or the prospect of a political clash with the press affected the committee's thinking. The panel decided not to seek a contempt conviction of Schorr or those associated with the *Village Voice*.

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[134] U.S. House of Representatives, *Investigation of Publication of Select Committee on Intelligence Report*, *op. cit.*, p. 515.

[135] *Ibid*, pp. 514, 527.

[136] *Ibid*, pp. 532-533.

[137] *Ibid*, p. 532.

[138] *Ibid* , p. 533. Rep. James V. Stanton, a Cleveland Democrat, claimed that Schorr told him he had obtained a copy of the report from the CIA, but would "deny that if anyone asked me." Schorr would only tell, the committee that his wife and lawyer were the only ones he discussed "anything relating to the source of the report." *Ibid*, p. 536.

CONCLUSIONS

Since the Supreme Court decided *Branzburg*, courts have held in scores of cases involving judicial proceedings that journalists have a First Amendment right not to disclose the identity of their sources.[141] While the notion of a common law privilege has been rejected, at least 28 states have codified or expanded the constitutional privilege by passage of shield laws.[142] None of the statutes and only one of the decisions relates to a legislative hearing. The New Hampshire Senate attempted in 1977 to force a journalist to reveal the identity of a source during a proceeding to remove a state official from office. The state's high court ruled that the press freedom provision of the New Hampshire constitution barred the senate from compelling the journalist's testimony on the identity of his source. The court said the state constitution entitled citizens to a free and uncensored stream of news and that process cannot be achieved if newsgathering is impeded.[143]

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[139] *Ibid*, pp. 630, 640-699.

[140] Califano's brief is printed in *Ibid*, pp. 577-637.

[141] Annotation, *Privilege of Newsgatherer against Disclosure of Confidential Sources or Information*, 99 A.L.R 3d 37.

[142] Reporters Committee for Freedom of the Press, "Confidential Sources and Information: A Practical Guide for Reporters in the 50 States," 12 pp., Washington, D.C., 1991.

[143] Opinion of the Justices, 373 A.2d 644 (1977). See also Connecticut State Board of Labor Relations v. Fagin, 370 A.2d 1095 (Conn. Super. Ct. 1976) (unfair labor practices hearing).

Branzburg was an odd case. Justice Powell joined four other justices in ruling the journalists must testify. However, it was his opinion plus those of four dissenting justices that created the constitutional privilege doctrine that has been followed by lower federal courts and state courts. The language of the justices was not confining and suggests that they did not intend the privilege to be confined to judicial proceedings. Justice Potter Stewart wrote:

> It is obvious that informants are necessary to the news-gathering process. . .It is equally obvious that the promise of confidentiality may be a necessary prerequisite to a productive relationship between a newsman and his informants. An officeholder may fear his superior; a member of the bureaucracy, his associates; a dissident, the scorn of majority opinion. All may have information valuable to the public discourse, yet each may be willing to relate that information only in confidence to a reporter whom he trusts, either because of excessive caution or because of a reasonable fear of reprisals or censure for unorthodox views.[144]

The language is as adaptable to legislative as judicial proceedings.

To force a journalist to reveal a source, based on *Branzburg*, courts have used a three-part test. The first leg is that authorities must show a journalist has information that is clearly relevant to a violation of law. The second part requires a demonstration that the information cannot be obtained by other means less destructive of First Amendment values. Finally, those seeking disclosure---usually the government---must have a compelling and overriding interest in the information.[145] Some translation of the first part would be necessary in applying the test to a legislative proceeding. There would have to be a showing that a journalist had information that is clearly relevant to a legislative purpose. The Justice Department has recognized the *Branzburg* test and adopted regulations on issuance of subpoenas consistent with it.[146]

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[144] *Branzburg*, 729-730 (Stewart, Dissenting).

[145] *Ibid*, 743.

While no court has considered a First Amendment case about the refusal of a journalist to disclose the name of a source to a congressional committee, the privilege is a constitutional one and therefore courts could be expected to uphold it in that setting. The Supreme Court has held the "Bill of Rights is applicable to (congressional) investigations as to all forms of governmental action. . . .Nor can the First Amendment freedoms of speech, press, religion, or political belief and association be abridged."[147] The clear application of constitutional rights to congressional investigations makes the actions in the investigation of the Anita Hill leak a violation of the spirit---but so far not the letter---of *Branzburg*.

Peter Fleming, the special counsel appointed by the Senate to find who leaked information about the Hill allegations, ignored the *Branzburg* principle that other means be exhausted before an attempt is made to force journalists to reveal their sources. Fleming issued subpoenas and questioned journalists first. Further, against the journalists' wishes, the questioning occurred behind closed doors. The counsel has yet to question under oath any senators or Senate staff members. As Terrence B. Adamson, a Washington attorney who was an assistant attorney general and chief spokesman for the Justice Department in the Carter administration, said:

> As the aggrandizing Fleming acted over several months, the Senate backpeddled or largely remained silent. It ignored its own responsibility for the methods of its special counsel that failed to meet requirements that virtually all courts and most state statutes require, or even that the executive branch demands of itself.[148]

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[146] 36 C.F.R. Sect. 59.10. The regulations were prepared under the supervision and with the approval of Chief Justice William Rehnquist when he was a Justice Department official.

[147] Watkins v. United States, 354 U.S. 178, 188 (1957).

[148] *Editor & Publisher*, April 4, 1992

Only the refusal of the Senate Rules Committee to permit Fleming to make an effort to compel testimony of the journalists under threat of being prosecuted for contempt prevented an actual violation of law.

The clash over journalistic privilege in the Anita Hill investigation is only the latest in a more than 200-year-old history of friction between Congress and the press over reporting of public business. About the only sure prediction is that it will continue. For it reaches the core of what the First Amendment is all about.

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Printed Name: Robert L. Spellman	Organization: Southern Illinois University
Address: School of Journalism Southern Illinois University Carbondale, Ill. 62901	Telephone Number: 618-536-3361 Date: 9/29/92

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